Representatives of the Department

1. Sri K. Balasubramanyam,
   Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande,
   Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh,
   Secretary to Government, Department of Law and Parliamentary Affairs.
2. Sri M. L. Ramaswami,
   Joint Draftsman and Joint Secretary to Government, Department of Law and Parliamentary Affairs.
3. Sri B. Nagesha Rao,
   Assistant Draftsman and Under Secretary to Government, Department of Law and Parliamentary Affairs.

Secretariat

1. Sri Te. Hanumanthappa,
   Secretary.
2. Sri M. Subba Rao,
   Under Secretary.

REPORT OF THE JOINT SELECT COMMITTEE ON THE MYSORE LAND REFORMS (AMENDMENT) BILL, 1972

The Joint Select Committee which considered the Mysore Land Reforms (Amendment) Bill, 1972 have the honour to make the following report with the Bill as amended by the Committee annexed thereto.

The Bill was published in the *Mysore Gazette Extra-ordinary,* dated 4th August, 1972.

The Bill was introduced in the Legislative Assembly on 5th August, 1972. The Legislative Assembly discussed the motion for consideration on 16th, 17th and 18th August 1972, 4th, 5th,

6th, 7th, 11th and 12th December, 1972. The motion for reference of the Bill to the Joint Select Committee was adopted by the Legislative Assembly on 12th December, 1972.

The Legislative Council discussed the motion for concurrence on 21st, 22nd and 23rd December, 1972 and agreed with the motion on 23rd December, 1972.

The Committee held 43 sittings.

At the first sitting of the Committee held on 8th January, 1973, the Committee considered the programme of work of the Committee. At this sitting the Committee decided that a Press communique may be issued inviting public bodies, organisations and associations who were desirous of submitting their suggestions or views or of giving oral evidence on the provisions of the Bill to send written memoranda for the purpose. 43 memoranda, on the Bill were received by the Committee from the Organisations/Associations/Individuals (Appendix I).

At the sittings held on 9th, 11th, 12th and 17th January, 1973 the Committee heard oral evidence given by twenty eight parties (Appendix II). At Mysore where a siting of the committee was held, the members of the committee attended the Seminor on Land Reforms organised by the Mysore University.

The Committee considered the Bill clause by clause at their sittings held on 17th, 18th, 19th, 20th, 22nd, 24th and 31st January, 1973, 1st, 2nd, 3rd, 5th, 6th, 7th, 16th, 19th and 20th February, 1973, 12th, 13th, 14th, 15th, 16th, 22nd, 23rd, 26th, 27th, 28th, 29th and 30th March, 1973, 11th, 12th and 13th April, 1973, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th April and 2nd May, 1973.

The Committee considered and adopted their report at the sittings held on 28th April and 2nd May, 1973.

The observations of the Committee in regard to the principal changes made in the Bill are detailed in the succeeding paragraphs.

Clause 2 (New Clause)

The Committee are of the opinion that a declaration may be inserted that the provisions of the Bill are enacted for giving effect

to the policy of the State towards securing the principles specified in clauses (b) and (c) of article 39 of the Constitution. Accordingly this clause is inserted.

Clause 3 (Old Clause 2)

Item (iv) (Old Item (iii)

The Committee are of the opinion (i) that it is unnecessary to require a holder of land to reside within 16 kilometers from the holding. Hence the proviso to proposed clause (11) of section 2 is omitted.

(ii) as 'Joint family' is retained, Explanation II to the said clause (11) should also be retained.

(iii) in view of new section 5 prohibiting leases except by a soldier or a seaman, Explanation I to the said clause should be omitted.

Necessary changes are made.

Item (v) (Old Item (iv)

The Committee are of the opinion that

(i) in the term 'family' instead of 'minor children' minor sons and un-married daughters' may be included ;

(ii) the definition of the term may be expanded so as to be illustrative covering alternative cases also.

Accordingly a new definition is suggested.

Old item (vi)

The Committee are of the opinion that it is necessary to retain the definition of the term 'joint family'. Hence the amendment proposed is omitted.

Old item (ix)

The Committee are of the opinion that as in the new sections 63 and 79B non-natural persons are expressly excluded it is not necessary to define the term 'person' as proposed. Hence this is omitted.

Clause 4 (Old Clause 3)

The Committee are of the opinion that hereafter all leases should be prohibited except leases created by a soldier or a

seaman within three months before he became a soldier or a seaman. A new section is accordingly suggested.

Clause 5 (Old Clause 4)

The Committee are of the opinion that the provision regarding additions to the rent may be with reference to the classifications in new Schedule I. The clause is suitably modified.

Clause 11 (Old Clause 10)

The Committee are of the opinion that hereafter no land lord except a land-lord who is a soldier or a seaman may resume lands from tenants. Hence section 14 is ommitted.

Clause 12 (New Clause)

This new clause is suggested providing for resumption by a soldier or a seaman. The procedure to be followed in such cases is also indicated.

Clause 13 (Old Clause 12)

Provision is made in this clause to omit sections 16, 17, and 18 also a consequence of ommiting section 14.

Clause 14 (Old Clause 13)

The Committee are of the opinion that in respect of land resumed from a tenant transfers should be barred for 15 years instead of 6 years proposed in the Bill. This is accordingly done.

Clause 15 (Original Clause 14)

The Committee are of the opinion that where a person does not use the land for the purpose possession was recovered the land should vest in the State Government and the dispossessed tenant should be conferred with occupancy rights. New section 20 is accordingly inserted.

Clause 17 (New Clause)

Consequent on the omission of section 14 and insertion of new section 15, necessary changes have been made in section 22. The period of notice for termination of tenancy is reduced from 6 months t 3 months. A new clause has accordingly been inserted

Clause 20 (Old Clause 18)

The Committee are of the opinion that hereafter a tenant should surrender only to the State Government. The New Clause is substituted in place of the old clause accordingly.

Clause 21 (Old Clause 19)

The Committee are of the opinion that even in case of surrender by a tenant, compensation for trees planted by him should be paid. This clause is accordingly inserted.

Clause 30 (New Clause)

The Committee are of the opinion that applications for recovery of rent under section 42 may be made to the Tahsildar instead of to the Court as at present and that a time limit of one year may be provided. Provision is accordingly made in the section.

Clause 31 (Old Clauses 26 and 27)

The Committee are of the opinion that all tenanted lands except those leased by a soldier or a seaman should vest in the State Government when the Amendment Act comes into force and that the tenants should be made entitled for registration as occupants subject to the ceiling provision and payment of a premium. Accordingly sections 44 and 45 are replaced by new sections.

Clause 32 (Old Clause 28)

The Committee are of the opinion that as regards the amount payable under section 47 in respect of lands held by a permanent tenant compensation may be only six times the difference between the rent and land revenue and that for permanent structures on the land constructed by the landlord additional amount should be paid and that in respect of lands classed as wet or dry if fruit bearing trees are grown by the landlord in the entire or major portion of the land the amount should be determined on the basis of assessment which could be levied for garden land and that the aggregate amount payable should not exceed Rupees two lakhs. Section 47 is suitably amended.

Clause 33 (Old Clause 29)

The Committee are of the opinion that the work relating to registration of tenants in the light of sections 44 and 45 should better be entrusted to a Tribunal consisting of an Assistant Commissioner of the place or a Special Assistant Commissioner as Chairman and four other members one of whom being a member of the State Legislature and one being a person belonging to the Scheduled Castes or the Scheduled Tribes. (No separate representation to Scheduled Castes and Scheduled Tribes where the member of the Legislature belongs to either class).

The Committee are further of the opinion that proceedings before the Tribunal should commence on the application of person claiming registration and that the Tribunal should, after enquiry, determine the person entitled to be registered and pass orders. The Committee are also of the opinion that the premium payable by the tenant should be equal to the amount payable under section 47.

The Committee are also of the opinion that the decision of the Tribunal should be final and that legal practitioners should not be allowed to appear before the Tribunal.

Accordingly new sections 48 and 48A are proposed.

Clause 38 (Old Clause 34)

The Committee are of the opinion that in section 55 dealing with payment of premium by the tenant for its registration as occupant it is necessary to provide for condoning default where it is because of failure of crops due to drought, etc. Provision is accordingly made.

Clause 40 (Old Clause 35)

The Committee are of the opinion that provision be made that lands leased contrary to the Act should be forfeited to the State Government and that they should be disposed of in the same manner as surplus lands. Accordingly provision is made in section 77.

Clause 42 (Old Clause 37)

The Committee are of the opinion that in section 60 which provides that where the tenant registered as occupant fails to cultivate the land personally it should vest in the State Government. Provision may be made that failure entailing such vesting is for three consecutive years as otherwise the tenant is hard hit. Provision is accordingly made.

Clause 43 (Old Clause 38)

The Committee are of the opinion that it is sufficient if the occupant is debarred from transfering the land for six years. The Committee are also of the opinion that the occupant may transfer as security for loan advanced by Commercial institutions. Necessary provisions are made in section 61.

Clause 44 (Old Clause 39)

The Committee are of the opinion that the period six years specified in section 62 for the tenants surrendering the lands to the State Government may be retained and it need not be 15 years as proposed in the Bill. Hence clause 44 is omitted.

Clause 45 (Old Clause 40)

The Committee are of the opinion that the ceiling area should be (i) ten units for a person who is not a member of the family, or who has no family or for a family ;

(ii) where the family consists of more than 5 persons additional 2 units for each in excess of 5 may be allowed so however that the total does not exceed 20 units ;

(iii) 50 units for a Sugar factory for purposes of research on seed farm or both.

The Committtee are further of opinion that—

(i) a person holding plantation land in excess of ten units should be disentitled to hold any other agricultural land.

(ii) That transfers effected after 18th November 1961 and before 2nd October 1965 and after 24th January 1971 otherwise than by partition or donation to Bhoodana Yajna Board or by

sale to the tenant should be ignored for calculating the ceiling area as if the lands covered by such transfers are with the transfers or himself who should be required to surrender the calculated surplus from out of the lands retained by him.

provision is accordingly made in new section 63 for these and certain other incidental matters.

Clause 46 (Old Clause 41)

The Committee are of the opinion that section 64 of the principal Act may be retained in place of the amendment proposed in the Bill with an explanation that " bequest " includes, a gift made in contemplation of death or a gift that will take effect after the happening of an event. This is done.

Clause 47 (Old Clause 43)

The Committee are of the opinion that in the proposed section 65 A providing that lands converted from one class to another may be deemed to be surplus land in certain cases an explanation may be added that conversion may be presumed as from the date of completion of an irrigation project. Provision is accordingly made.

Clause 48 (Old Clause 44)

The Committee are of the opinion that for purposes of determination of the ceiling area every person holding 10 acres of irrigated land or 20 acres of rain fed wet land or 40 acres of dry land should be required to file a declaration giving particulars of the lands held by him, etc. New clause is accordingly provided.

Clause 50 (Old Clause 46)

The Committee are of the opinion that a planter disentitled under section 63 to hold other aggricultural land may be given the choice to retain one or the other category of land or partly one and partly other (the aggregate not exceeding ten units).

The Committee are also of the opinion that if the land proposed to be surrendered is inaccessible or unsuitable the Tahsildar may not accept the surrender but require surrender of suitable land.

Suitable provisions for this purpose are made.

Clause 53 (Old Clause 49)

The Committee are of the opinion that—

(i) for wells and structures of permanent nature on the land raised or constructed by the owner, additional amount calculated in the prescribed manner may also be paid.

(ii) regarding lands with fruit bearing trees same criteria as in (i) may be adopted ; and

(iii) from out of the amount payable for the surrendered land an amount equal to one year's net annual income may be paid to the tenant ;

Provision for these purposes are made.

Provision is also made in view of the decision of the Supreme Court in AIR 1972 S.C 2097, that in respect of lands under personal cultivation, within ceiling limit compensation at market value may be paid.

Clause 56 (Old Clause 53)

The Committee are of the opinion that the work relating to distribution of surplus lands should be entrusted to the Tribunal constituted under section 48.

Provision is accordingly made.

The Committee laid down that persons whose gross annual income exceeds Rs. 2,000 should not be eligible for grant. Regarding lands cultivated by plantation crops the Committee are of the opinion that disposal may be as may be prescribed by rules made for the said purpose, section 77 is accordingly changed.

Clause 57 (Old Clause 54)

The Committee are of the opinion that the premium payable should include the additional amount payable for fruit bearing trees and wells or other structures of a permanent nature on the land. Provision for this purpose is made.

Clause 58 (Old Clause 55)

The Committee are of the opinion that the income limit Rs. 12,000 disqualifying a person from holding agricultural land should apply only for future acquisitions and that for purposes of presumption of income, instead of gross income the income on which assessment is based for income tax should be considered.

Proposed section 79A is suitably modified.

The Committee are also of the opinion that in the proposed section 79B it should be expressly stated that persons not cultivating personally are disentitled to hold land and that co-operative societies other than co-operative farming societies registered under the Mysore Land Reforms Act should also be debarred from holding the lands.

Section 79B is suitably modified.

Clause 59 (Old Clause 56)

The Committee are of the opinion that the restrictions contained in section 80 should not be applicable to grants of surplus lands under section 77. Clauses are accordingly modified.

Clause 60 (Old Clause 57)

The Committee are of the opinion that the restrictions in section 80 should not apply to sale or other transfers of land in favour of Government and certain other commercial institutions effected for purposes of realisation of loans, etc., granted for agricultural purposes. Provision is accordingly made in the proposed section 81.

Clause 62 (New Clause)

The Committee are of the opinion that where a transaction contrary to the Act has taken place the land concerned should be forfeited to the State Government as penalty and that no amount should be payable therefor.

Provision for this purpose is accordingly made in section 83.

Clause 63 (Old Clause 60)

The Committee are of the opinion that there should be no exemption for regimental farms and co-operative farms and that plantations should be exempted from the provisions of sections 63, 79A and 79B.

The Committee are also of the opinion that in future plantations exceeding 20 units (including existing holding) should not be acquired. Accordingly suitable provisions are made in section 104.

Clause 67 (Old Clause 64)

The Committee are of the opinion that in section 107 providing for exemption of land used for cultivation of linoleum and lands interspersed between sites of commercial undertakings and house sites in towns and cities with lands surrounding it may also be included.

The Committee are of the further opinion that only such stud farms as are in existence on the 24th day of January 1971 and approved by the State Government hould be exempted.

The Committee are also of the opinion that lands of the Mysore Bhoodan Yagna Board should be exempted but lands in the possession of tenants on the date of donation need not be exempted. Lands held by Coffee Board for research development and propaganda should also be exempted.

Provisions are accordingly made.

Clause 68 (Old Clause 65)

The Committee are of the opinion that in respect of lands taken under the management of the Court of Wards, etc.,
(i) Those in the possession of tenants prior to the date of taking over should vest in the State Government under section 44.

(ii) Those in the possession of tenants inducted after the taking over should revert back to the rightful owner.

Appropriate provisions are made in section 108.

Clause 71 (Old Clause 67)

The Committee are of the opinion that in order to expedite the implementation of the Act, it is necessary that the several functions which were hitherto entrusted under the Act to the Court should be entrusted to the Tahsildar. Necessary amendments have been made in the relevant provisions of the Act and in section 112 these are detailed by enumerating the duties performed by the Tahsildar, the Court and the Tribunal.

Clause 80 (New Clause)

The Committee are of the opinion that where a person is entitled to an amount both under section 47 and under section 72, the total amount payable should not exceed Rs. 2 lakhs. Provision is accordingly made for this purpose.

The Committee are of the opinion that for purposes of ceiling lands may be classified as follows :—

CLASSIFICATION OF LANDS

Part A

A Class Lands having facilities for irrigation from such Government sources namely, Government canals, Government tanks and lift irrigation projects constructed and maintained by Government, as are notified by Government to be capable of supplying water for growing two crops of paddy in a year or one crop of sugarcane.

B Class Lands having facilities for irrigation from such Government sources namely, Government canals, Government tanks and lift irrigation projects constructed and maintained by Government as are notified by Government to be capable of supplying for growing only one crop of paddy in a year.

C Class (i) Lands irrigated from any Government sources of irrigation other than those coming under classes A and B :

(ii) Lands on which paddy crop can be raised with the help of rain water ;

(iii) Lands irrigated by lifting water from a river or Government canal or Government tank where the pumping installation

or other devise for lifting water is provided and maintained by the cultivator.

Note :—(1) Lands having facilities for irrigation from a Government source where the system of water supply is suitable for growing only light irrigated crop namely, crops other than paddy and sugarcane shall come under this class.

(2) Lands growing irrigated garden crop will come under classes 'A', 'B' or 'C' as the case may be depending upon the source of irrigation and the system of water supply.

D Class/ Lands classified as dry but not having any irrigation facilities from a Government source and assessed to a land revenue of not less than one rupee per acre as per revision settlement introduced under Chapter X of the Mysore Land Revenue Act, 1964.

E Class Lands classified as dry and not having any irrigation facilities from Government source and assessed to a land revenue of less than one rupee per acre as per revision settlement introduced under Chapter X of the Mysore Land Revenue Act, 1964.

Note :—In respect of drought affected taluks in the Table the ceiling area for dry lands admissible under classes D and E will get increased by 20 per cent.

Lands growing garden crops without irrigation from a Government source will come under class D or E depending on the land revenue levied thereon. Lands in which plantation crops are grown should be treated as class E lands.

Part B

Formula for determining equivalent extent of land of different classes.

One acre of land classed 'A' having soil classification value above 8 annas = 1.2 acres of land classed 'A' having soil classification value below 8 annas = 1.5 acres of land classed 'B' having soil classification value above 8 annas = 1.8 acres of land classed

'B' having soil classification value below 8 annas=2.5 acres of land classed 'C' having soil classification value above 8 annas= 2.8 acres of land classed 'C' having soil classification value below 8 annas=5.0 acres of unirrigated dry land classed 'D'=5.4 acres of unirrigated dry land classed 'E'.

The other amendments made are either consequential or intended to improve the provisions.

The Joint Select Committee recommend that the Bill as amended be passed.

Bangalore,
Date : May 2, 1973

N. HUTCHMASTHY GOWDA,
Chairman.

APPENDIX I

Names of persons/bodies who have submitted Memorandum in connection with the Mysore Land Reforms (Amend-Connection with the Mysore Land Reforms (Amendment) Bill, 1972.

Sriyuths—

1. M. R. Patil, Ex-M.L.A.
2. The Mysore State Planters' Association, Chickmagalur.
3. U. K. Lakshman Gowda, Member of Parliament (Rajya Sabha).
4. Syed Ghouse Pacha, Land-holder, Ganjam, Srirangapatna.
5. Air Codr. J. Chandra (Retd.).
6. A. W. Joseph, Retired Revenue Sheristadar, Jabbal Factory Road, Hospet.
7. The West Coast Paper Mills, Ltd., Dandeli.
8. F. M. Khan, A.I.C.C. Member, Mercara.
9. Bhoopalam R. Chandrasekaraiah, Convener, Farmers' Federation of India, Shimoga.

10. H. Ganapa Thiyappa, President and other Geni Raitha Sangha, Sagar Taluk.

11. Mysore State Veerashiva Mathadipaten Sangha, Jangamamatha, Sunkenahalli, Basavanagudi, Bangalore.

12. The Mysore Pradesh Farmers' and Farmer Workers' Sangha, Bangalore.

13. B. M. Patil, Trustee of Navalgund, Sirasangi Charitable Trust Fund, Belgaum.

14. The Bruhan Mutt, Chitradurga.

15. Karnataka Rajya Raitha Sangha, Malleswaram, Bangalore-3.

16. The Mysore State Co-operative Sugar Factories Federation, Bangalore.

17. G. Ramakrishnaiyya, 441, 6th Block, Rajajinagar, Bangalore-10.

18. N. K. Ganapaiah, Secretary, General Farmers Federation of India, Coffee Planter, Harley Estate, Sakalespur P.O.

19. S. M. Guraddi, Ex-M.L.A. and on behalf of the Farmers of Bijapur District.

20. R. R. Pange, Adviser, The Godavari Sugar Mills, Ltd.

21. The President and Member, Mysore State All Religions Institution Steering Committee, Sri Krishna Mutta, Udipi.

22. The Secretary, Coffee Board, Bangalore.

23. Smt. Vijaya Desai, M.L.A.

24. C. D. Mantur, Kotiwad, Hubli, Dharwar District.

25. B. Shivarthy, 186, Gandhibazaar, Bangalore-4.

26. B. Suryanarayana Rao, President, Mysore State Pensioners' Association, Bangalore-4.

27. T. A. Kalavada, President, Navalgund Taluk Farmers' Association.

28. Chandrashekar Reddy, President, T. D. B. on behalf of Farmers of Sedam Taluk, Gulbarga District.
29. Farmers and Land owners of Yelburga Taluk.
30. V. V. Punekar of Gadag.
31. Ramakrishna Karantu, Manuyillage, Udipi Taluk.
32. Prior Chief Monk of the Asirvanam Monastery Kengeri P. O., Bangalore South Taluk.
33. Certain Curistain Religious Institutions in Mysore State.
34. Citizens of Dharwar District.
35. Malnad Vartha.
36. P. M. Bangi, M.L.A.
37. Prabhakar Rao, Gopal Rao Deshpande, Belgaum.
38. B. E. Ramaiah, M.L.A.
39. M. Bagamma, Channapatna Taluk.
40. K. N. R. Swamy, Bagalur Post, Bangalore District.
41. Secretary Bar Association, Chikodi, Belgaum District.
42. G. Shivananda Rao, Maruthi Extension, Saivihar, Srirampura, Bangalore.
43. A. Ramambal N. Raj, Umesh Bhavan, Mangalore-1.

APPENDIX II

Persons who have given evidence before Joint Select Committee on Mysore Land Reforms Bill, 1972.

Sriyuths.—

1. M. R. Patil.
2. U. K. Lakshmana Gowda.
3. The Mysore Pradesh Farmers and Farm works Limited, registered, Bangalore (H. S. Rudrappa).
4. Sreerama Reddy, Treasurer, Mysore State Farmers and Farm Works Sangha.
5. J. M. Lobo Prabhu (Ex-M.P.)
6. Air Codr., J. Chandra (Retd.).

7. A. K. Seetharama Iyengar, Shimoga Representing peasants and labourers.
8. The West Coast Paper Mills (Sri Harapanahalli).
9. V. I. Chacko, Representative, United Planters Association of South India Adviser and Secretary to the Mysore State Planters Association.
10. P. M. Bangi, M.L.A. and Advocate.
11. M. V. Patil, Advocate, Athni.
12. Bhoopalem Chandrasekharaiah and Chandrashekhara Bhatta of N. R. Pura.
13. President, Mysore State All Religious Institutions Standing Committee.
14. Ganapaiah.
15. A. R. Nagabhusan Rao.
16. M. L. Aadi (Channapatna).
17. B. S. Bhaskar Rao.
18. T. R. Shamanna, M.L.A.
19. G. Ramakrishnaiah (Stall holders Representative).
20. B. Chikkanaswamy (Mysore State Sugar Factories Federation).
21. R. R. Panje, Adviser, Godavari Sugar Mills, Bijapur.
22. S. N. Kalabhairavan, Officer on Special Duty, Godavari Sugar Mills, Bijapur.
23. Kumara Gowda Patel.
24. L. S. Naik, Ex-Deputy Commissioner and Ex-Trade Commissioner in London.
25. Bellary.
26. V. N. Patil, M.L.A. on behalf of Karnatak Rajya Raitha Sangha, Malleswaram.
27. S. D. Pejathaya, Secretary, Mysore State All Religious Institutions Standing Committee, Udipi.
28. Channa Reddy Patil, Member, T. D. B. Benakanahally, Sedam Taluk.

MINUTES OF DISSENT

I

The land reform measures aim at putting an end to the relationship of a landlord and a tenant and making the tiller, the owner of the soil. It is also aims to minimise the disparity between large holdings and small holdings and to distribute the surplus lands to the landless labour. Is is not possible to distribute land and to give employment to all landless labour by imposing ceilings on land holdings, however small they may be. Simultaneously Industrialisation is the only solution to lessen the pressure on land and to provide employment to the unemployed. Modernisation, mechanisation, and rationalisation of agriculture is quite essential for allround economic development of our rural population which entirely depends upon agriculture. With these ideals in view and to achieve maximum production and to provide more meaningful employment to the agriculturists as well as to the agricultural labourers, suitable land reforms are to be brought and enforced. While therefore to achieve these objectives, we should also try to avoid the partiality and discrimination between urban and rural sectors and should provide equal opportunities to both sectors. Therefore, we urge that ceiling laws be enforced simultaneously affecting both rural and urban properties. The report of the Joint Select Committee is no doubt an improvement on the original amending Bill, but certain new amendments are introduced in the Bill, which are not contemplated in the Amending Bill as referred to the Select Committee. Therefore, we are unable to agree with the report of the Committee in full and our objections to the Report of the Joint Select Committee are as follows :—

1. Section 5 as proposed by the Joint Select Committee has given the right to lease only to military personnel, and has denied this right for classes of persons namely, (i) minors, (ii) widows, (iii) unmarried women, and (iv) persons physically or mentally disabled. I feel, it is the duty and obligation of the Legislature to protect the rights and interests of these deserving and weaker sections of Society. Therefore, we differ with the majority view

in this regard and propose to give this right to such class of persons by retaining section 5 of the Original Act.

2. The next objection is for taking away the right of resumption by deleting section 14 of the Original Act. Under 1961 Mysore Land Reforms Act, the land owners who were desirous of resuming land from the tenants were given the right to apply to the land Tribunal within 15 months from the date of coming into force of the Act. (15 months from 2nd October 1965). Availing this provision, as many as 80,000 applications were filed for resumption of lands from the tenants. It is learnt that about 60,000 of these applications have already been disposed of and about 20,000 applications are still pending at various stages. These pending applications were not finally disposed of due to various reasons, and the parties are not responsible for non-disposal of these matters. If the pending proceedings are not saved, this will result in discrimination between the parties whose cases were disposed or and of these whose cases are still pending before the Tribunals. We are of the opinion that this partiality and discrimination be avoided. The original Amending Bill as refered to the Joint Select Committee does not propose such an amendment. Pending proceedings are protected in other State Legislatures of the Country where the land reforms Acts are passed. On sound, just and equitable principles, is quite necessary that such a provision should be made as to protect the rights of the parties of the pending proceedings. Therefore, we are of the opinion Section 14 of the Original Act be retained and consequential change be effected in the relevant portions of the Act.

The next objection is, for constitution of Tribunals at the Taluk level for the purposes of determining the question as to who is the tenant and also for the purpose of distributing surplus lands vested with the Government. We strongly oppose the inclusion of the Legislators and non-officials in the personel of the Tribunal, particularly to function as a judicial body, to record evidence, to do local inspections and to determine an issue of a tenancy in a dispute in an enquiry of judicial or quasi-judicial nature affecting the proposed rights of the owners. Entrusting judicial functions to the politicians is a negation of accepted cannons of administration of justice. This is altogether

a new proposal which was not contemplated in the amending bill referred to the Joint Select Committee. This provision is quite opposed and contrary to the letter and spirit of the Amending Bill.

We further object the prohibition of appearance of advocates in such judicial or quasi-judicial enquiries. This will affect adversely the interest of the innocent and illiterate tenants, who are educationally, economically, and socially backward and whose interest are to be safe-guarded by giving proper legal aid. Not providing an appeal against the decision of the Tribunal will result in injustice. Therefore, we are of the opinion that the Tribunal should be constituted with the Assistant Commissioner only, and Advocates should be requested to appear and provision should also be made for an appeal against the order and decisions of the Tribunal, as it was provided in the Original Act.

To achieve the objects enunciated in the preamble, it is quite essential to have an economically viable holding for a person or a family. Therefore, we are of the opinion that the ceiling limit for a person or a family should be as follows :—

(1) 25 acres of double crop	...	"A" class.
(2) 50 acres of single crop	...	"B" class.
(3) 100 acres rainfed	...	"C" class.
(4) 200 acres Dry lands	...	"D" class.
(5) 250 acres Dry lands	...	"E" class.

Note :—Section 63 sub-section (3) of the Original Act allowing 30 acres of land for grazing lands, etc., to be retained.

One acre of "A" class should be equal to 2 acres of "B" class which is equal to 4 acres of "C" class, and which is equal to 8 acres of "D" class, and which is equal to 10 acres of "E" class.

5. The present amending bill has prohibited holding of land by Religious, Charitable and Educational Trusts, which are developed to the service of the downtrodden sections of the community. The Constitution has given freedom and liberty of religion. Taking away the property (lands) of these institutions tantamounts to interference in the religious rights guaranteed in the Constitution. Therefore, we are of the opinion that these

institutions which are totally devoted to religious, charitable and educational purposes must be exempted from the operation of this law.

B. CHANNABYRE GOWDA, M.L.C.
H. MARE GOWDA, M.L.A.

II

I. In deciding the question of Land Reforms and land ceiling important social economic and political considerations need to be kept in mind. Agricultural practices in this country as a whole, are still very backward. Modernisation, Machanisation and Nationalisation of Agriculture is the only solution for all round economical development of the rural population, which entirely depend upon agriculture. Therefore the land reforms should aim at putting an end to the relationship of landlord and tenant, making the Tiller owner of the soil, to minimise the disparity between the large and small holdings, to distribute the surplus land to the landless labour, to achieve maximum production and to provide gainful employment to the agriculturist and agricultural labour.

II. The report of the Joint Select Committee is no doubt, an improvement on the original amending bill, but certain new amendments are introduced in the Bill, which are not contemplated in the Amending Bill, as referred to the Select Committee. Therefore, we are unable to agree with the report of the Committee in full and our objections to the Report of the Joint Select Committee are as follows :—

III. Section 5 as proposed by the Joint Select Committee has given the right to lease only to military personnel, and has denied this right to the class or persons, namely (i) minors, (ii) widows, (iii) unmarried women and (iv) persons physically or mentally disabled. It is the duty and obligation of the Legislature to protect the rights and interests for we differ with the majority view in this regard and propose of these deserving and weaker sections of the Society. Thereto give this right to such class of persons by retaining section 5 of the Original Act and also in the Amending Bill as referred to the Select Committee :—

(2) The next objection is for taking away the right of resumption by deleting section 14 of the Original Act. Under 1961 Mysore Land Reforms Act, the Land owners who were desirous of resuming land from the tenants were given the right to apply to the Land Tribunal within 15 months from the date of coming into force of the Act (15 months from 2nd October 1965). Availing this provision, as many as 90,000 applications were filed for resumption of lands from the tenants. It is learnt that about 60,000 of these applications have already been disposed of and about 30,000 applications are still pending at various stages before the Tribunals and before the District Courts and the High Court. These pending applications were not finally disposed of due to various reasons and the parties are not responsible for non-disposal of these matters. If the pending proceedings are not saved, this will result in discrimination between the parties whose cases were disposed and of those whose cases are still pending before the Tribunals. We are of the opinion that the partiality and discrimination be avoided. The original Amending Bill as referred to the Joint Select Committee, does not propose such an amendment. Pending proceedings are protected in other State Legislatures of the Country, where the land reforms amendment Acts are passed, on sound, just and equitable principles, it is quite necessary that such a provision should be made as to protect the rights of the parties of the pending proceedings. Therefore, we are of the opinion. Ssection 14 of the Original Act be retained and consequential charges be effected in the relevant provisions of the Act.

(3) (i) The next objection is for constitution of Tribunals at the Taluk level for the purposes of determining the question as to who is the tenant and also for the purpose of distributing surplus lands vested with the Government. We strongly oppose the inclusion of the Legislators and non-officials in the personnel of the Tribunal, particularly to function as a judicial body, to record evidence, to do local inspections and to determine an issue of a tenancy in a dispute in an enquiry of judicial or quasi-judicial nature affecting the proprietory rights of citizens. Entrusting the judicial functions to the politicians is a negation of accepted canons of public administration of justice. This is altogether a new proposal, which was not contemplated in the

amended bill referred to the Joint Select Committee. This provision is quite opposed and contrary to the letter and spirit of the Amending Bill.

(ii) We further object the prohibition of appearance of Advocates in such judicial or quasi judicial enquiries. This will agect adversely the interest of innocent and illiterate—tenants, who are educationally, economically, and socially backward and whose interests are to be safeguarded by giving proper legal aid.

(iii) Not providing an appeal against the decision of the Tribunal will result in injustice.

(iv) Therefore, we are of the opinion that the Tribunal should be constituted with the Assistant Commissioner only and Advocates should be permitted to appear and provisions should also be made for an appeal against the orders and decisions of the Tribunal, as it was profided in the Original Act.

4. To achieve the objects enunciated in the preamble and to avoid much disparity between ceiling of urban and rural property holders, it is quite essential to have economically viable holding for a person or a family.

Therefore we are of the opinion that the ceiling limit for a person or a family should be as follows :—

15 acres—A Class (double crop).
22.50 acres—B Class (Single crop).
30.00 acres—C Class (rainfed wet).
75.00 acres—D Class (Dry).
20 per cent weightage in drought affected areas—E Class (Dry).

Formula for determining equivalent extent of land of different classes.—One acre of double crop irrigated land classes A is equal to 1.5 acres of single crop classed as B and 2 acres of rain fed wet classes as C and 5 acres of dry land classed as E.

5. The present amending bill has prohibited the holding of land by non-natural persons, such as Trusts and Companies. But exemption is given for Companies holding Coffee Estates. There are trusts which are running education and charitable institutions since many years and they are rendering yeoman

service to the needy and deserving people of the Society. It is necessary that these institutions be allowed to retain the lands which are in their personal cultivation. Many States such as 1. Andhra Pradesh, 2. Bihar, 3. Gujarat, 4. Pepsu, 5. Hariyana, 6. Punjab, 7. Kerala, 8. Madhya Pradesh, 9. Maharashtra, 10. Rajastan, 11. Tamil Nadu and 12. Uttar Pradesh have considered this aspect and have exempted such institutions from the operation of this law. Therefore, we propose that institutions must be exempted from the operation of this law.

(Sd.)
(S. R. BOMMAI)
(M. C. BASAPPA)
(S. Y. PATIL).

III

I have already submitted dissenting notes alsong with S. R. Bommai and M. C. Basappa but I want to submit an additional dissending note as follows :—

That Educational and Charitable Institutions which are applying the entire income from the land mainly for Educational purposes such as Shirasangi and Nalgund Trust in Belgaum District are to be exempted from the operation of this *Land Reform Act* even if the lands are in the position of the tenants. This is necessary as these Institutions are rendering great service to the poor. I also propose that such of the religious Institutions which are utilising major portion of the income for charitable and educational institutions should also be exempted from the operation of this Act.

(S. Y. PATIL).

IV

I generally welcome and support the Bill as amended by the Joint Select Committee. It is a piece of progressive legislation which will go a long way in putting an end to the insecurity and exploitation of tenant tillers of the soil. It will also begin the process of eleminating the concentration of land in the hands of

a few rural and urban rich and enable the state to satisfy the and number of the rural poor.

However, I am unable to agree with some of the provisions of the Bill. It is regrettable that the Bill contains no provision to prevent the eviction of agricultural labourers and village artisans from their homesteads and conferring on them ownership of the huts and their sites.

I am of the opinion that the definition of "family" in the principal Act should be retained in preference to the amendment proposed.

The amendment of Section 8 relating to rent is an improvement over the provision in the Principle Act. But the quantum of rent even as proposed now will be too high. I feel that it should be reduced to five time the assessment in the aggregate. The rent as fixed under the amendment should be made applicable from 2nd October 1965 on which date the Principal Act come into force.

The amount paid by way of rent from 2nd October 1965 onwards should, in all fairness, be treated as payment towards the premium to be paid by the tenant for getting himself registered as on occupant.

As far as Section 63 dealing with Ceiling is concerned, I am of the opinion that the Ceiling area for an unmarried adult person should be only 5 units instead of ten.

The exemption given to plantations under Section 104 should be only confined to the provisions of Section 63 and not from Section 79A, Section 79B and Section 80.

I agree with the Principle that weightage should be given in calculating ceiling in chronically drought affected areas. But it is to be noted that according to the Report of the Irrigation Commission, there is no chronically drought affected areas anywhere except in Rajastan. It will be clear to any one that the Table of so called drought affected areas appended to the Bill contains many taluks which are not really drought affected let alone chronically drought affected and there are several taluks (for example the taluks of Bidar District) which by any token are

more prone to drought than many of the taluks listed in the Table. The Table is patently unscientific. It has to be completely rejected. I suggest that the Government may be given power under the Bill to work out scientifically the areas which should be deemed to be chronically drought prone and where the weightage as contemplated in the Bill should be given.

(B. V. KAKKILAYA)

V

I wish to represent my dissenting note on the Land Reforms (Amendment) Bill, 1972 on the following items :

Item No. IV (old item No. III)

I am of the opinion that the holder of the land should reside within the reasonable limit from the holding. Hence proviso to clause of 11 of section 2 is to be retained.

Item No. V (old item No. IV)

I am of the opinion that the family means, consisting of natural persons descending from one common ancestors living in a Joint Estate. Hence it is necessary to substitute the clause 12 of section 2 accordingly.

Item V (Clause 24)

I am of the opinion that definition of person means natural person of family consisting of natural persons. Hence suitable clause shall be substituted in clause 24 of section 2.

Item 5 (old section 8)

I am of the opinion that the Rent payable by the tenant shall be six times the land revenue payable in respect of such land. It is not necessary to pay additional sum of Rupees as per the classification in new Schedule 1.

Item No. 16 (old section 21)

There are numerous instances where joint families are the tenants of the lands and they have effected partitions of the least hold lands at the time of partition. As such partition of such

lands should have a legal validity. Hence, I am of the opinion that the partition of the leasehold lands among the members of the family should be excluded from the provision of sub-letting or sub-division.

Item 19 (old section 24)

I am of the opinion that the right of the tenancy shall have to be continued on the surviving members of the family in case of death of any tenant.

Item 31 (old section 45)

In case where the membes of the family have effected a partition of their leasehold land and cultivating separately, such persons, should be confirmed with occupancy right as per share allotted to each member of the family. Each sharer should be presumed to have been cultivating personally for the purpose of this section. Therefore I am of the opinion that suitable provision should be inserted.

Item 31 (old section 47) Amount payable

I am of the opinion that the landlords or owners shall be entitled for payment of amount if the rental income is the only source of income for their livelihood. On account of the land being vested all landlords may not be economically affected. Hence only such effected person should be paid the amount. Therefore necessary provision shall be inserted so as to put a restriction on the payment of amount. It is also not necessary to make additional payment of amount for fruit-bearing trees, wells and other structures.

Item 32 for section 48 (A)

Where the " tenant " becomes a small holder, occupancy rights shall be conferred on him without payment of any premium to the Government. Therefore I am of the opinion that suitable provision should be inserted in section 48 (A) so as to exclude such of the tenants who become a small holder.

Item 45 (section 63)

I am of the opinion that the ceiling should be as follows :—

(i) for an individual—units.

(ii) for a family of more then one and less than three—5 units.

(iii) for a family of 5 persons—10 units.

Provided that in the case of family consisting of more than five members, an additional extent of 2 units shall be given for each member. So, however the ceiling area shall not exceed 40 units irrespective of the strength of the family.

If there are unmarried daughters at the time of fixation of the ceiling they should also be taken into account. But if they got married 2 units shall be surrendered to the Government. While calculating ceiling area persons having interest in the property should alone be taken into account.

For the purpose of ceiling all transfers from 1952 shall be taken into account except the *bona fide* partition between the Major male members of the family at the time of transfer.

Item 47 (New section 65-A)

Whereas a result of irrigation any land is converted into any other class of lands and thereby the land held by any person or family exceed the ceiling limit, such excess land shall be deemed to be surplus land. Hence I am of the opinion that the land held as on the date of comissioning of the project should be taken into account for the purpose of calcuting the ceiling area. As such suitable provision should be inserted.

Item 53 (New section 72)

I am of the opinion that no landlord or owner shall be entitled for amount in respect of the land to be taken over by the State Government as surplus land. I therefore suggest that this Section 72 should be deleted.

Item 57 (New section 78)

I am of the opinion that the surplus lands shall be granted free of cost to landless scheduled caste, scheduled tribe and landless agricultural labourers. Therefore the Section 77 should be recasted.

Item 58 (New section 79-A)

I am of the opinion that no person for family should hold land if such person or family has assured annual income of not less than Rs. 12,000 from sources other than agricultural land. Therefore, the new section as in the bill should be retained.

Item 63 (New section 104)

I am of the opinion that no exemption should be given to plantations. And hence, section 104 should be omitted so as to bring the plantations within the purview of the Act.

New Schedule I

I am of the opinion that it is unreasonable and at the same time unscientific to given a 20 per cent weightage for drought affected taluks, while calculating the ceiling area. Hence, the table should be deleted.

KAGODU THIMMAPPA, M.L.A.

MINUTES OF SITTINGS

First Sitting

The Committee met at 2-00 p.m. on Monday, the 8th January, 1973 in the Committee Room.

Present

Legislative Assembly :

Sriyuths :

1. B. Subbayya Shetty
2. K. B. Shivaiah
3. A. M. Suryanarayana Gowda
4. A. M. Belliappa
5. P. C. Shettar
6. K. N. Veerappa Gowda
7. K. Prabhakar
8. D. B. Kalmankar
9. A. A. Desai

10. Kagodu Thimmappa
11. K. M. Rudrappa
12. B. V. Kakkilaya
13. H. Mare Gowda
14. S. Y. Patil
15. Viswanatha Reddy

Legislative Council :

Sriyuths :

16. B. Channabyre Gowda
17. S. R. Bommai
18. M. C. Basappa
19. M. V. Venkatappa (Elected by L.A.)
20. D. Jayadevaraj Urs

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

Sri N. Hutchmasty Gowda, Minister for Revenue was elected Chairman of the Committee.

Some members desired to know whether they could discuss sections of the parent Act which were not being amended by the amending Bill before the Committee.

The Chairman explained that the scope of discussion was limited to matters contained in the provisions of the Bill and the Statement of Objects and Reasons appended to the Bill. In case, however the members wanted to discuss matters which, they thought as very important, the Chairman said, the Committee might deliberate on them and make suitable recommendations to the House in their report.

The Committee then considered whether they should hear evidence from persons interested in the Bill. The Committee after some discussion decided that a Press Note be issued inviting Associations and Organisations who want to be heard by the Committee to communicate their request to the Secretary, Mysore Legislature and fixed 11th and 12th January, 1973 for hearing evidence.

The members desired that the following information be supplied to them in regard to the subject matter of the Bill :

(1) Rainfall figures for the last 10 years and the kind of soil in various taluks as also the revenue assessment.

(2) Particulars regarding Anewari.

(3) Notification regarding water rates.

(4) Figures regarding the land revenue remission, full and partial.

(5) Information regarding Agricultural Produce Market rates and average yield notifications for the 5 preceding years.

(6) Particulars of areas where water was given to two crops and one crop and areas where water was assured from Government sources.

(7) Figures regarding the yield per acre of foodgrains, commercial crops areawise, average yield per acre and pattern of crops.

(8) Statistics regarding agricultural farms, extent of the farm and the yield districtwise both for wet land and dry land.

The Chairman promised that whatever information was possible would be supplied to the members.

The Committee decided to hear the representatives of the Mysore Pradesh Farmers and Farm Workers' Sangha on 9th January, 1973.

The Committee adjourned at 4-00 p.m. to meet at 2-00 p.m. on the 9th January, 1973.

Second Sitting

The Committee met at 2-00 p.m. on Tuesday, the 9th January, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths :

1. D. K. Naikar (Minister for Law and Parliamentary Affairs) (Chairman).
2. B. Subbayya Shetty
3. K. B. Shivaiah
4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. P. C. Shettar
7. K. N. Veerappa Gowda
8. K. Prabhakar
9. D. B. Kalmankar
10. A. A. Desai
11. Kagodu Thimmappa
12. K. M. Rudrappa
13. B. V. Kakkilaya
14. H. Mare Gowda
15. S. Y. Patil
16. Viswanatha Reddy

Legislative Council

Sriyuths :

17. B. Channabyre Gowda
18. S. R. Bommai
19. M. C. Basappa
20. M. V. Venkatappa (Elected by L.A.)
21. D. Jayadevaraj Urs

Representative of the Department

Sri N. B. Sakharadande, Under Secretary to Goverment, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee heard Sri M. R. Patil, a former member of the Legislature Assembly and an Advocate from Hubli.

Sri M. R. Patil explained that according to the guidelines given by the Central Government to the State Governments, the term family is to include the husband, wife and minor children whereas in the Bill the term had been defined as to mean husband, wife and minor children.

According to Sri M. R. Patil, under the existing definition, it cannot be a family if either the husband or the wife is dead or if there are no minor children. Sri M. R. Patil contended that by adopting the definition as in the family they would be giving more units to the members of the family. He, therefore, suggested the following definition :

" (12) "Family" shall include husband, wife and minor children and shall consist of at least two such persons."

Explanation : Every major son, his wife and minor children shall be considered as a distinct family.

Sri M. R. Patil contended that the major sons should be considered as a separate unit whether they were Hindus or Muslims.

Sri M. R. Patil urged that the definition of the term "Joint family" as in the original Act should be retained instead of deleting it as proposed in the Bill for the reason that generally it is only in the name of the father or the eldest member of the joint family that is entered in the Records of Rights as the holder or the occupant of the joint family lands and when the joint family remains not divided, no major son can indicate that he is the holder of any specific land by metes and bounds out of the undivided family lands. There is no specific provision in the Bill to indicate that an additional ceiling limit can be claimed for every major son or his family within the joint family.

Sri M. R. Patil also pleaded for the definition of the term "person" as in the parent Act in place of the definition proposed in the Bill as he felt that under the definition proposed in the Bill, it will lead to an interpretation that the law of ceiling will not apply to Joint Hindu family, Aliya Santhana family, institutions, companies, firms, etc.

Sri M. R. Patil further felt that the equation of land as in the proposed Bill was not fair. He, therefore, suggested the following amendment.

SCHEDULE—I

In the Table below part A of Schedule I, the columns 4 and 5 together with the headings and contents thereof shall be entirely deleted.

In part A of Schedule I, for the Fifth, Sixth and Seventh classes the following shall be substituted, namely :—

"Fifth class :—Land not falling under the First, Second, Third, Fourth and Seventh class, situated in the talukas specified in column 3 of the Table.

"Sixth class :—Land not falling under the First, Second, Third, Fourth and Seventh class, situated in the talukas other than those specified in column 3 of the Table or in any other area of the State.

"Seventh class :—Land in the villages of which the land revenue was fully or partially suspended or remitted for at least five years during the period of ten years commencing from 1962, other than land falling under the First, Second, Third, or Fourth class."

In part B of Schedule I :—

(i) for the figure "3.6", the figure "4" shall be substituted ;

(ii) for the figure "4.5", the figure "5.4" shall be substituted and

(iii) for the figure "5.4", the figure "8" shall be substituted.

The Committee adjourned at 4-20 p.m. to meet again at 10 a.m. on 11th January, 1973.

Third Sitting

The Committee met at 10-00 a.m. on Thursday, the 11th January, 1973 in the Eastern Lobby of Legislative Assembly Chamber.

Present

Legislative Assembly

Sriyuths :

1. K. N. Veerappa Gowda (Chairman)
2. B. Subbayya Shetty
3. A. M. Suryanarayana Gowda
4. A. M. Belliappa
5. P. C. Shettar
6. K. B. Shivaiah

7. K. Prabhakar
8. D. B. Kalmankar
9. A. A. Desai
10. Kagodu Thimmappa
11. K. M. Rudrappa
12. B. V. Kakkilaya
13. H. Mare Gowda
14. S. Y. Patil
15. Viswanatha Reddy

Legislative Council

Sriyuths :

16. B. Channabyre Gowda
17. S. R. Bommai
18. M. C. Basappa
19. M. V. Venkatappa (Elected by L.A.)
20. D. Jayadevaraj Urs

Representatvie of the Department

Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee heard the following witnesses :

(1) Mysore State Planters' Association, Chickmagalur, represented by Sri U. K. Lakshmana Gowda, M.P.

(2) Mysore Pradesh Farmers' and Farm Workers' Sangha (Regd.) Bangalore by Sri H. S. Rudrappa and Sri Sreerama Reddy.

(3) Sri J. M. Lobo Prabhu, Ex-Member of Parliament.

A verbatim record of evidence is kept separately.

The Committee adjourned at 6-00 p.m. to meet again at 10-00 a.m. on 12th January, 1973.

Fourth Sitting

The Committee met at 10-00 a.m. on Friday, the 12th January, 1973 in the Eastern Lobby of the Legislative Assembly Chamber.

Present

Legislative Assembly

Sriyuths :

1. D. K. Naikar, Minister for Law and Parliamentary Affairs (Chairman).
2. B. Subbayya Shetty
3. K. B. Shivaiah
4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. P. C. Shettar
7. K. N. Veerappa Gowda
8. K. Prabhakar
9. D. B. Kalmankar
10. A. A. Desai
11. Kagodu Thimmappa
12. B. V. Kakkilaya
13. H. Mare Gowda
14. S. Y. Patil
15. Viswanatha Reddy

Legislative Council

16. B. Channabyre Gowda
17. S. R. Bommai
18. M. C. Basappa
19. M. V. Venkatappa (Elected by L.A.)
20. D. Jayadevaraj Urs.

Representative of the Department

Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs.

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee heard the following witnesses :—

(1) Sri M. K. Seetharama Iyengar, Shimoga, representing peasants and labourers.

(2) Sri Harapanahalli, West Coast Paper Mills.

(3) Sri V. I. Chacko, Representative, United Planters' Association of South India and Advisor and Secretary to the Mysore State Planters' Association.

(4) Sri P. M. Bangi, M.L.A., and Advocate.

(5) Sri Bhoopalam Chandrashekaraiah and Sri Chandrashekara Bhatt of N. R. Pura.

(6) Sri B. Chikkanna Swamy, Mysore State Sugar Factories' Federation.

(7) Sri R. R. Pange, Advisor, Godavari Sugar Mills, Bijapur.

(8) Sri S. N. Kalabhairavan, Officer on Special Duty, Godavari Sugar Mills, Bijapur.

(9) Sri L. R. Naik, Ex-Deputy Commissioner and Ex-Trade Commissioner, London.

(10) Sri V. N. Patil, M.L.A., on behalf of Karnatak Rajya Raitha Sangha, Malleswaram.

(11) Sri S. D. Pojathaya, Secretary, Mysore State All Religious Institutions Standing Committee, Udipi.

A verbatim record of evidence is kept separately.

The Committee adjourned at 6-30 p.m. to meet again on 17th January, 1973 at 2 p.m.

Fifth Sitting

The Committee met at 2-00 p.m. on the 17th January, 1973 in the Eastern Lobby of the Legislative Assembly.

Present

Legislative Assembly

Sriyuths :—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs).
3. B. Subbayya Shetty
4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. P. C. Shettar
7. K. N. Veerappa Gowda
8. K. Prabhakar
9. D. B. Kalmankar
10. A. A. Desai
11. Kagodu Thimmappa
12. B. V. Kakkilaya
13. H. Mare Gowda
14. K. B. Shivaiah
15. K. M. Rudrappa
16. Viswanatha Reddy.

Legislative Council

Sriyuths :—

17. B. Channabyre Gowda
18. M. C. Basappa
19. M. V. Venkatappa (Elected by L.A.)

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.

2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri K. S. Singri Gowda, Under Secretary, Mysore Legislature.

The Committee heard Sri Channa Reddy Patil, member, Taluk Development Board, Benakanahally, Sedum Taluk.

Sri Channa Reddy Patil urged that rainfall alone should not be the criteria for determining the ceiling area and suggested that fertility of the soil should also be taken into consideration. He also suggested modifications in the definition of family, classification of land into seven categories and for the increase of the amount of compensation. He did not want retrospective effect to be given to the Bill.

Sri D. B. Kalmankar wanted to know the rainfall data of each taluk and the classification of lands.

The Chairman said that it would not be possible for the Government to get the information and supply it immediately and that Government could supply the data regarding maximum land revenue.

Some members suggested that the preamble should be amended as in Maharashtra Bill explicity spelling out the purposes of the Bill in the preamble itself.

The Chairman replied that it was not necessary.

Clause 2

(i) (Clause 6 of section 2 of the original Act) :

Some members urged the retention of the definition of Basic Holding. It was not agreed as the same was not used in the main Act.

(ii) (Clause (7) of the original Act) *Ceiling area :*

It was suggested by some members that the ceiling area should be defined as has been done in the original Act, as section 63 was not specific about the ceiling.

The suggestion was not agreed to by the committee.

After further discussion, the definition of 'ceiling area' as in the Bill was approved without any change.

(iii) (Clause (11) of the original Act) Definition of personal cultivation.

Many members felt that the restriction of 16 kilometers should be removed.

The Minister for Law and Parliamentary Affairs stated that as this was directly related to the definition of "family" it was desirable to take up further discussion of this proviso after consideration of the definition of "family" in the Bill.

It was decided to hold over the consideration of the clause.

(iv) Clause (12)—family :

Some members suggested that the provisions in this behalf in the Andhra and Maharashtra Acts may be gone through and considered for adoption.

The Chairman directed the Legislature Secretariat to supply the provisions of the Maharashtra and Andhra Acts to the members.

The Committee adjourned at 4-45 p.m. to meet at 2-00 p.m. on Thursday, the 18th January, 1973.

Sixth Sitting

The Committee met at 2-00 p.m. on the 18th January, 1973 in the Eastern Lobby of the Legislative Assembly.

Members Present

Legislative Assembly

Sriyuths :—

1. N. Hutchmasthy Gowda (Chairman)
2. B. Subbayya Shetty
3. K. B. Shivaiah
4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. P. C. Shettar
7. K. N. Veerappa Gowda
8. K. Prabhakar
9. D. B. Kalmankar
10. A. A. Desai
11. K. M. Rudrappa
12. Kagodu Thimmappa
13. B. V. Kakkilaya
14. H. Mare Gowda
15. S. Y. Patil
16. Viswanatha Reddy

Legislative Council

Sriyuths :

17. B. Channabyre Gowda
18. S. R. Bommai
19. M. C. Basappa
20. M. V. Venkatappa (Elected by L. A.)
21. D. Jayadevaraj Urs

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee desired to be supplied with the results of survey regarding cost of cultivation and yield per acre in respect of agri cultural lands conducted by the University of Agriculture Sciences.

The Committee decided to hold sittings of the Committee at Mysore on Monday and Tuesday, the 22nd and 23rd January 1973.

The Committee continued consideration of the definition relating to family. Some members suggested that the family should be defined as a natural family. Some other members felt that under the existing definition of the term, the ceiling area for a family would be more than what it was under the old Act. Yet other members suggested that the definition of the term should be in accordance with the guide lines given by the Central Land Reforms Committee which would include minor sons and un-married daughters. The Committee desired the Law Department to re-draft the definition keeping in view the guide lines of the Central Land Reforms Committee and keeping in view the definitions of the term in the Maharashtra and Andhra Acts.

Item (ii) (b) to Clause 2 (Definition of the term "to cultivate personally" Clause 11).

The Committee considered the explanations to the definition of the term "to cultivate personally" and decided that the Explanation II which was proposed to be deleted in the Bill, should be retained while the Explanation III proposed to be deleted in the Bill should be deleted.

The Committee approved item (v) (Clause 13 of section 2 of the original Act).

Item (vi) (Clause 17 of section 2 of the original Act).

The Committee felt that it was necessary to retain the definition of "Joint family" as in the original Act.

Item (vii) new items 21 (A) and 21 (B).

The Committee approved the proposed items to be inserted after clause 21 of section 2 of the original Act.

Item (ix) (Clause 23 of section 2 of the original Act).

The Committee approved the item.

Item (ix) (Clause 24 of section 2 of the original Act).

The Committee deferred consideration of the definition of the term "person" till they considered the re-drafted definition of the term "family".

The Committee adjourned at 5-15 p.m. to meet at 1-30 p.m. on Friday, the 19th January, 1973.

Seventh Sitting

The Committee met at 2 p.m. on Friday, the 19th January, 1973 in the Eastern Lobby of Legislative Assembly Chamber.

Present

Legislative Assembly

Sriyuths :—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar (Minister for Law and Parliamentary Affairs).
3. B. Subbayya Shetty
4. K. B. Shivaiah
5. A. M. Suryanarayana Gowda
6. A. M. Belliappa
7. P. C. Shettar
8. K. N. Veerappa Gowda

9. K. Prabhakar
10. D. B. Kalmankar
11. A. A. Desai
12. Kagodu Thimmappa
13. K. M. Rudrappa
14. B. V. Kakkilaya
15. H. Mare Gowda
16. S. Y. Patil
17. Viswanatha Reddy

Legislative Counc"

Sriyuths .—

18. B. Channabyre Gowda
19. S. R. Bommai
20. M. C. Basappa
21. M. V. Venkatappa (Elected by L. A.)
22. D. Jayadevaraj Urs.

Representatives of the Department

1. Sri K. Balasubramanyam, Commissioner for Revenue and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

Item (ix). The Committee considered the definition of the term " person " in the Bill as well as that in the parent Act and decided to omit the definition of the term as the definition of the term in the General clauses Act was adequate.

Item (x).—The item was approved by the Committee without any change.

Item (xi).—The item was approved by the Committee without any change.

Item (xii).—The item was approved by the Committee without any change.

Item (xiii).—The item was approved by the Committee without any change.

Item (xiv).—The item was approved by the Committee without any change.

Item (xv).—The item was approved by the Committee without any change.

Item (xvi).—The item was approved by the Committee without any change.

Item (xvii).—The item was approved by the Committee without any change.

Clause 3

The consideration of this clause was held over.

Clause 4

Some members felt that it was not proper to have only three classifications of land for purposes of rent. Some others were of the opinion that the tenant should not be made to pay more rent on the basis of water supplied by Government because the landlord has not spent any money on that. An opinion was also expressed that the new provision regarding rent should be made applicable from 2nd October, 1965, *i.e.*, the date on which the parent Act came into force. This was objected to by others on the ground that it will create complications. One more view was that the clause relating to rent should be discussed along with the clause relating to compensation. A member also desired that a definition of the term year should be given in the Bill.

The consideration of the clause was held over.

Clause 5

This clause proposes to substitute a new section for section 9 of the parent Act dealing with decision of dispute regarding the rent payable. Under sub-section (i) of the proposed section the landlord can deposit the rent with the Tahsildar if the landlord evades receiving the rent. A dispute between the landlord and the tenant is to be determined by the Court under sub-section (2). Opinion was divided as regards entrusting the powers to the Court under sub-section (2). Some members felt that this power could also be given to the Tahsildar as under sub-section (1) while others felt that it is better to give this power to the Court. The Committee decided that this power should be given to the Tahsildar.

Clauses 6, 7 and 8

The clauses were approved without any change.

Clause 9

This clause amends the heading and sub-section (6)(b) of section 13 of the parent Act. Under sub-section (6), the Court may reduce the rent payable for any years for any good reason.

Suggestions were made by some members that in place of "Court" in sub-section (6) of section 13, the word "Tahsildar" may be substituted as was suggested by the Committee in respect of section 9 of the Act. This was objected to by some members on the ground that amendments to only such of the sections that were included in the amending Bill could be made. It was argued that amendments to other sections could be made only if they were consequential to the amendments suggested by the Committee in respect of sections which were included in the amending Bill. The consideration of the clause was inconclusive when the Committee adjourned at 5-00 p.m. to meet at 9-30 a.m. on Saturday, the 20th January 1973.

Eighth Sitting

The Committee met at 9-30 a.m. on Saturday, the 20th January 1973 in the Eastern Lobby of the Legislative Assembly.

Members Present

Legislative Assembly

Sriyuths :—

1. N. Hutchmasthy Gowda (Chairman).
2. D. K. Naikar (Minister for Law and Parliamentary Affairs).
3. B. Subbayya Shetty
4. K. B. Shivaiah
5. A. M. Suryanarayana Gowda
6. A. M. Belliappa
7. P. C. Shettar
8. K. N. Veerappa Gowda
9. D. B. Kalmankar
10. A. A. Desai
11. K. M. Rudrappa
12. Kagodu Thimmappa
13. B. V. Kakkilaya
14. H. Mare Gowda
15. Viswanatha Reddy.

Legislative Council

Sriyuths :—

16. B. Channabyre Gowda
17. S. R. Bommai
18. M. C. Basappa
19. M. V. Venkatappa (Elected by L.A.)
20. D. Jayadevaraj Urs.

Representatives of the Department

1. Sri K. Balasubramanyam, Commissioner for Revenue and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

Clause 9

The Committee continued consideration of clause 9 (Amendment to section 13 of the Act). The Committee approved the clause without any amendment.

Clause 10

This clause seeks to amend section 14 of the parent Act which deals with resumption of land from tenants. While considering this clause several members suggested that a tillers' day should be appointed and section 44 of the Act should be suitably amended and thereafter section 14 could be discussed. This was agreed to by the Committee.

Many members felt that section 14 of the principal Act should be deleted and that no protection need be given to a small holder. It was, however, added that suitable provision could be made for minors, widows, military persons and other disabled persons.

The Law Department was asked to draft a suitable section for further consideration of the Committee.

The Committee adjourned at 1-30 p.m. to meet at 9-00 a.m. at Mysore.

Ninth Sitting

The Committee met at 9-00 a.m. on Monday, the 22nd January, 1973 at Chamundi Guest House, Mysore.

Members Present

Legislative Assembly

Sriyuths :—

1. N. Hutchmasthy Gowda (Chairman).
2. D. K. Naikar (Minister for Law and Parliamentary Affairs).
3. B. Subbayya Shetty
4. A. M. Suryanarayana Gowda
5. P. C. Shettar
6. K. N. Veerappa Gowda
7. K. Prabhakar
8. D. B. Kalmankar
9. A. A. Desai
10. Kagodu Thimmappa
11. B. V. Kakkilaya
12. K. M. Rudrappa
13. Viswanatha Reddy
14. S. Y. Patil

Legislative Council

Sriyuths :—

15. B. Channabyre Gowda
16. M. C. Basappa
17. M. V. Venkatappa (Elected by L.A.)
18. D. Jayadevaraj Urs.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri M. L. Ramaswamy, Joint Secretary to Government.
2. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee continued further consideration of section 14 of the Act.

A suggestion was made by some members that instead of allowing the widows, minors, etc., to resume the land, they should be given some annuity and the right of resumption removed for such people. No decision was however taken on this suggestion.

The Committee adjourned at 10-15 a.m. to meet at 2-00 p.m. on Wednesday, the 24th January at Bangalore.

Tenth Sitting

The Committee met at 2-00 p.m. on Wednesday the 24th January, 1973 in the Eastern Lobby of Legislative Assembly Chamber.

Present

Legislative Assembly

Sriyuths :—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar (Minister for Law and Parliamentary Affairs)
3. B. Subbayya Shetty
4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. P. C. Shettar
7. K. N. Veerappa Gowda
8. K. Prabhakar
9. D. B. Kalmankar
10. A. A. Desai
11. Kagodu Thimmappa
12. K. M. Rudrappa
13. B. V. Kakkilaya
14. Viswanatha Reddy

Legislative Council

Sriyuths :—

15. B. Channabyre Gowda
16. S. R. Bommai
17. M. C. Basappa
18. M. V. Venkatappa (Elected by L.A.)
19. D. Jayadevaraj Urs

Representatives of the Department

1. Sri K. Balasubramanyam, Commissioner for Revenue and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee considered the several draft definitions of the term " family " placed before them and adopted the following definition :—

" Family in relation to a person means such person, the wife or the husband as the case may be of such person and his or her minor sons or unmarried daughters, if any, or any one or more of them."

The Committee then considered the definition of the term " to cultivate personally " and decided to adopt the definition as in the Principal Act excluding Explanation.

A suggestion was made that provision should be made for minors, widows, military persons and persons subjected to disabilities to create a tenancy in future by stating that they would

be deemed to be personally cultivating the land even if they had leased their land to a tenant. Some members suggested that there should not be any blanket provision enabling the minor, etc., to lease the land and that his right should be a qualified one. It was desired that a minor could lease the land only if his parents were not alive as otherwise the purpose of the law was likely to be defeated. It was also suggested that such a right should not be conferred if the income of the minor from other non-agricultural sources was more than a prescribed minimum. The Law Department was asked to prepare a suitable draft and place it before the Committee for further consideration.

Clause 11.—The Committee decided to delete this clause consequent on the decision that section 14 of the principal Act be deleted.

Clause 12.—The Committee decided to delete this clause as well as section 16 of the parent Act.

The Committee also decided that sections 17 and 18 of the Principal Act may be deleted as they were consequential to section 14 which is to be deleted.

Clause 13.—The Committee approved the clause without any change.

Clause 14.—This clause seeks to amend section 20 of the parent Act requiring a land lord to surrender land to the State Government if he fails to cultivate, etc.

The Committee decided that in such a case the land should revert to the tenant and desired that the section may be suitably modified.

The Committee adjourned at 6 p.m. to meet at 2 p.m. on Wednesday the 31st January 1973.

Eleventh Sitting

The Committee met at 2-00 p.m. on Wednesday, the 31st January, 1973 in the Eastern Lobby of the Legislative Assembly Chamber.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda, [Minister for Revenue (Chairman)].
2. D. K. Naikar (Minister for Law and Parliamentary Affairs).
3. K. B. Shivaiah
4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. P. C. Shettar
7. K. Prabhakar
8. D. B. Kalmankar
9. K. N. Veerappa Gowda
10. A. A. Desai
11. K. M. Rudrappa
12. Kagodu Thimmappa
13. B. V. Kakkilaya
14. Viswanatha Reddy

Legislative Council

Sriyuths—

15. B. Channabyre Gowda
16. M. C. Basappa
17. M. V. Venkatappa (Elected by L.A.)
18. D. Jayadevaraj Urs

Representative of the Department

Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

Clause 14

The Committee further considered clause 14 and decided that if the landlord failed to use the land resumed by him for personal cultivation or for non-agricultural use within one year from the date on which he took possession, the tenant should make an application to the competent authority within a period of two years after dispossession. The Committee also decided that provision should be made empowering the Tahsildar also to, *suo motu*, take action to get the lands vested in the Government. The Law Department was asked to suitably amend the clause.

Clauses 15 to 20

Since after the commencement of this Act, creation of tenancy was prohibited, the Committee decided that sections 21 to 25, and 27 to 31 of the original Act should be deleted.

Clause 21

The Committee decided to substitute the word " occupant " for the word " tenant ".

Clauses 22, 23 and 24

Consideration of these clauses was held over.

The Committee desired the Law Department to examine sections 38 and 39 of the parent Act to see whether they required any amendments.

Clause 25

The Committee decided to delete the original section 40 which was proposed to be amended by this clause and to give protection to tenant who makes improvement on the land held by him under the savings clause.

The Committee reviewed their decision regarding exemptions to be given to minors, widows, armymen and disabled persons. The Committee took the following decisions :

(1) suitable provision should be made enabling minors, widows, military persons and persons subjected to disabilities to create a tenancy in future by stating that they would be deemed to be personally cultivating the land even if they have leased their land to a tenant.

The Committee also decided that minors should be defined as to include only those who are not having their parents.

(2) In respect of widows, minors and other disabled persons as regards existing lease compensation could be paid and tenancy system terminated.

The Committee adjourned at 5-40 p.m. to meeet at 10-00 a.m. on 1st February 1973.

Twelfth Sitting

The Committee adjourned at 5-40 p.m. to meet at 10-00 a.m. 1973 in the Eastern Lobby of the Legislative Assembly Chamber.

Present

Legislative Assembly

Sriyuths :—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar (Minister for Law and Parliamentary Affairs).
3. K. B. Shivaiah
4. A. M. Suryanarayana Gowda
5. D. B. Kalmankar
6. B. V. Kakkilaya
7. A. M. Belliappa

8. K. N. Veerappa Gowda
9. P. C. Shettar
10. A. A. Desai
11. K. Prabhakar
12. Kagodu Thimmappa
13. Viswanatha Reddy
14. S. Y. Patil
15. K. M. Rudrappa

Legislative Council

Sriyuths

16. B. Channabyre Gowda
17. M. C. Basappa
18. M. V. Venkatappa (Elected by L.A.)
19. S. R. Bommai

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.

Representatives of the Department of Law and Legislature.

2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

Clause 26 (Amendment of section 44)

The Committee decided that the provision in the Bombay Act in respect of vesting of lands in the State Government may be adopted removing the drawbacks therein. It was decided that the tenant should be deemed to be the occupant on a particular date and that the amount that he is required to pay could be paid within the prescribed period. In short, the Committee decided that the relationship between the tenant and the landlord should end on an appointed day and that the land should vest in Govern ment. The Committee also decided that a suitable provision should be made to treat a person who is cultivating the land continuously honestly believing himself to be a tenant although pahni records do not support his claim as a tenant. This portection should be given from the date of coming into force of the Tempo-rary Tenants Protection Act.

Clause 27 (Amendment of section 45)

The Committee decided that no recognition should be given to leases created contrary to law in force and that the sub-leases created should not be recognised. Such lands should vest in Government.

Clause 28 (Substitution of new section for section 47)

The discussion on this clause was inconclusive. Some members pleaded that the quantum of compensation fixed as a multiple of rent or assessment was very inadequate and therefore, they suggested that market value should be taken into consideration for fixing compensation. The Minister for Law and Parliamentary Affairs stated that the Central Government was trying to frame rules as regards payment of compensation and that in case the Central Government did not frame rules, the State Government could frame rules. The Chairman observed that in Maharashtra they had fixed the rent on the basis of anewari and compensation as a multiple of rent. It was the plea of some members that there should be distinction in payment of compensation between the tenanted lands and lands personally cultivated. Some other members were of the view that compensation should be fixed in terms of multiples of land revenue both in respect of surplus as well as tenanted lands. The Committee desired the Law Department to re-draft the clause bearing in mind the following principles :—

(1) the total compensation that a person was entitled to was not more than Rs. 2 lakhs ;

(2) the compensation should be clearly laid down as multiples of assessment.

The Committee decided to consider the clause further after it was re-drafted.

The Committee adjourned at 1 p.m. and met again at 3-30 p.m.

Clause 29 (Amendment of section 48)

There was some discussion as to when a tenant should be declared the occupant, *i.e.*, whether the occupancy right sholud be confirmed on the tenant immediately or whether it should be

conferred after the payment of all the instalments towards the occupancy price.

It was suggested by some members that a provision should be made to enable the tenant to obtain loans from banks, etc., although he is not a full fledged owner.

Clause 29 was adopted without any change.

Clauses 30, 31, 32, 33 and 34

These clauses were adopted without any change.

The Committee also suggested that in case, any amendment was required for section 57, suitable amendment may be made.

Clause 35

The Committee desired the Law Department to re-cast the clause in the light of the decisions already taken by the Committee in respect of other clauses.

Clause 36

This clause was held over.

Clause 37

The clause was adopted without any change.

Clauses 38 and 39

The Committee decided that the tenant as well as the landlord who had resumed the land should not be allowed to sell the land for a period of 15 years. In the case of the tenant, this period should begin from the date of his becoming an occupant.

The Committee further decided that the provisions of sections 61 and 62 may be combined suitably keeping in view the above decision. The Committee also desired to make a provision to give land improvement loans to a tenant even before he became an occupant.

Clause 40

The Chairman explained that the Revenue Department was collecting statistics in regard to *anewari* for wet and dry land

and therefore, suggested that the clause regarding ceiling may be postponed for the present. The Committee agreed to this suggestion.

The Committee adjourned at 5-30 p.m., to meet at 10-00 a.m., on Friday, the 2nd February 1973.

Thirteenth Sitting

The Committee met at 10-00 a.m. on Friday, the 2nd February, 1973 in the Eastern Lobby of the Legislative Assembly Chamber.

Present

Legislative Assembly

Sriyuths :—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar (Minister for Law and Parliamentary Affairs)
3. B. Subbayya Shetty
4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. K. Prabhakar
7. K. N. Veerappa Gowda
8. D. B. Kalmankar
9. A. A. Desai
10. K. M. Rudrappa
11. B. V. Kakkilaya
12. Viswanatha Reddy
13. K. B. Shivaiah
14. S. Y. Patil
15. H. Mare Gowda

Legislative Council

Sriyuths :—

16. B. Channabyre Gowda
17. S. R. Bommai
18. M. C. Basappa
19. M. V. Venkatappa (Elected by L.A.)

Representative of the Department

Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

Clause 41

New section 64

The Committee decided to delete item (vi) of sub-section (1) of the proposed section 64. Under this section any person who acquires by inheritance or bequest from any person or by sale, etc., of any land which together with the land already held by him exceeds the ceiling area, he is required to give a declaration to the Tahsildar within a prescribed period. The Committee decided that the period should be fixed as "one year" in the Act itself instead of leaving it to be prescribed by rules.

New section 64-A

Under the proposed section 64-A, if as a result of any transfer of land by sale, etc., the extent of land held by a transferee exceeds the ceiling area so required shall be deemed to have been transferred to and vested in the State Government with effect from the date of such transfer on a declaration to that effect made by the Deputy Commissioner. Doubts were expressed by some members as to whether the vesting would be from the date of transfer or from the date of declaration made by the Deputy Commissioner. The Committee decided that the vesting should be from the date of transfer. The wording of the clause may be suitably modified to make the meaning clear.

The Committee also felt that it was necessary to make a distinction between a person who gives a declaration and a person who fails to give a declaration and the Deputy Commissioner comes to the conclusion that the land acquired is in excess of the ceiling on an enquiry. The Committee desired that penalty provided under this section should be made applicable only to the latter cases. The Law Department was asked to suitably re-draft the section.

Clause 42

The Chairman suggested that along with clause 42, clause 55 may also be taken up for consideration as they were interlinked. This was agreed to.

As regards the proposed section 79-A, the Committee decided that section 79-A should be deleted in its present form and the question of fixing any restrictions of income form future acquisitions may be considered later.

The Committee adjourned at 6-00 p.m. to meet again at 9-00 a.m. on 3rd February, 1973.

Fourteenth Sitting

The Committee met at 9-00 a.m. on Saturday, the 3rd February 1973, in the Eastern Lobby of the Legislative Assembly Chamber.

Present

Legislative Assembly

Sriyuths :—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar (Minister for Law and Parliamentary Affairs)
3. B. Subbayya Shetty
4. A. M. Belliappa
5. K. Prabhakar
6. K. N. Veerappa Gowda
7. D. B. Kalmankar
8. A. A. Desai

9. Kagodu Thimmappa
10. K. M. Rudrappa
11. B. V. Kakkilaya
12. Viswanatha Reddy
13. K. B. Shivaiah
14. S. Y. Patil
15. H. Mare Gowda

Legislative Council

Sriyuths :—

16. B. Channabyre Gowda
17. S. R. Bommai
18. M. C. Basappa
19. M. V. Venkatappa (Elected by L.A.)
20. D. Jayadevaraj Urs.

Representative of the Department

Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee continued further consideration of the provisions in section 79-A and decided that a non-agriculturist who has a net income exceeding rupees twelve thousand should not purchase agricultural land in future. The Committee also decided that succession and bequest should be excluded from such restriction.

Section 79-B

It was suggested by some members that an explanation may be added stating that a juristic person will not be entitled to cultivate personally to make the intention of the clause clear. The Law Department was asked to examine the matter. In sub-section (2) of the proposed section 79-B every person who holds agricultural land and who is disentitled to hold such land is required to furnish declaration to the Tahsildar within the prescribed period. The Committee desired that a period of ninety days may be specified for such declaration in the Act itself.

Section 79-C

This section was adopted without any change.

Clause 42 (New section 65)

The consideration of the clause was inconclusive when the Committee adjourned at 11-30 a.m., to meet at 10-00 a.m., on Monday, the 5th February.

Fifteenth Sitting

The Committee met at 10-00 a.m. on Monday, the 5th February 1973, in the Eastern Lobby of the Legislative Assembly Chamber.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar (Minister for Law and Parliamentary Affairs)
3. B. Subbayya Shetty
4. A. M. Belliappa
5. K. Prabhakar
6. K. B. Shivaiah
7. D. B. Kalmankar
8. A. A. Desai
9. Kagodu Thimmappa

10. S. Y. Patil
11. B. V. Kakkilaya
12. Viswanatha Reddy
13. H. Mare Gowda

Legislative Council

Sriyuths—

14. B. Channabyre Gowda
15. S. R. Bommai
16. M. C. Basappa (Elected by L.A.)
17. D. Jayadevaraj Urs

Representative of the Revenue Department

Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

Clause 42

The Committee continued consideration of clause 42. This clause was adopted without any change.

Clause 43 (New Section 65-A)

The Clause was adopted without any change.

Clause 44 (Amendment of section 66)

The Committee decided that the period for filing a declaration under the proposed sub-section (i) (a) of section 66 should be specified as ninty days instead leaving it to be prescribed by rules. The clause was adopted with the above amendment.

Sixteenth Sitting

The Committee met at 10-00 a.m. on Tuesday, the 6th February 1973, in the Eastern Lobby of the Legislative Assembly Chamber.

PRESENT

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar (Minister for Law and Parliamentary Affairs)
3. B. Subbayya Shetty
4. K. B. Shivaiah
5. A. M. Suryanarayana Gowda
6. A. M.Belliappa
7. P. C. Shettar
8. K. Prabhakar
9. K. N. Veerappa Gowda
10. D. B. Kalmankar
11. A. A. Desai
12. Kagodu Thimmappa
13. K. M. Rudrappa
14. B. V. Kakkilaya
15. Viswanath Reddy
16. S. Y. Patil
17. H. Mare Gowda

Legislative Council

Sriyuths—

18. B. Channabyre Gowda
19. S. R. Bommai
20. M. C. Basappa
21. M. V. Venkatappa (Elected by L.A.)
22. D. Jayadevaraj Urs

Representatives of the Department

1. Sri K. Balasubramanyam, Commissioner for Revenue and Secretary to Government, Revenue Department.

2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs.

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

Clause 49

The clause was adopted without any change.

Clause 50

The clause was adopted without any change.

Clause 4

The Committee at this stage considered clause 4 (Section 8) relating to rent which had been held over. The Committee approved the clause without any change. The Committee, however, desired the Law Department to examine whether any darfting changes were to be made.

The Committee adjourned at 6-00 p.m. to meet at 10-00 a.m. on the 7th February 1973.

Seventeenth Sitting

The Committee met at 10-00 a.m. on Wednesday the 7th February 1973 in the Esatern Lobby of the Legislative Assembly Chamber.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar (Minister for Law and Parliamentary Affairs).
3. B. Subbayya Sheetty

4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. K. Prabhakar
7. K. N. Veerappa Gowda
8. D. B. Kalmankar
9. A. A. Desai
10. Kagodu Thimmappa
11. K. M. Rudrappa
12. B. V. Kakkilaya
13. Viswanatha Reddy
14. P. C. Shettar
15. K. B. Shivaiah
16. S. Y. Patil
17. H. Mare Gowda

Legislative Council

Sriyuths—

18. B. Channabyre Gowda
19. S. R. Bommai
20. M. C. Basappa
21. M. V. Venkatappa (Elected by L.A.)
22. D. Jayadevaraj Urs

Representatives of the Department

1. Sri K. Balasubramanyam, Commissioner for Revenue and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri C. N. Sreedhara Murthy, Under Secretary, Mysore Legislature.
3. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

Clause 51 :

The clause was adopted without any change.

Clause 52 (Amendment of Section 75)

The Committee to delete the following proposed amendment :

(1) the words " or is the member of the joint family " and " or joint family " shall be omitted.

The Committee approved the following proposed amendment :

" The word and figures " or 64 " shall be omitted.

Clause 53

(Substitution of new section for section 77).

The Committee decided that the grant of land to the landless agricultural labourers and other persons coming under item (2) and (3) should be subject to an income restriction. The Committee desired that an income limit of rupees two thousand per annum may be provided.

The Committee also decided that the grant of reserved for persons belonging to Scheduled Caste/Scheduled Tribes may be subject to rules framed by Government.

Clause 54 (Amendment of Section 78)

The clause was adopted without any change.

The Committee adjourned at 1-00 p.m. and met again at 3-00 p.m.

Clause 56 (Amendment of Section 80) :

The Committee desired that this clause may be suitably redrafted in the light of the decisions taken up by the Committee in regard to the proposed section 79A barring future acquisitions of property by a non-agriculturist.

Clause 57 (Amendment of Section 81)

The Committee held over consideration of this clause and decided to consider this clause along with the clause relating to exemptions to plantations.

Clause 58 (Amendment of Section 81A) :

The clause was adopted without any change.

Clause 59 :

The clause was adopted without any change.

Clause 60 :

The consideration of this clause was inconclusive when the Committee adjourned at 4-45 p.m. to meet at 10-00 a.m. on Friday, the 16th February, 1973.

Eighteenth Sitting

The Committee met at 10-00 a.m. on Friday, the 16th February, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman).
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs).
3. K. N. Veerappa Gowda
4. K. M. Rudrappa
5. Viswantha Reddy
6. A. M. Suryanarayana Gowda
7. A. A. Desai
8. P. C. Shettar
9. A. M. Belliappa
10. B. Subbayya Shetty
11. Kagodu Thimmappa
12. K. B. Shivaiah

Legislative Council

Sriyuths—

13. M. C. Basappa
14. B. Channabyregowda
15. M. V. Venkatappa (Elected by L.A.)
16. D. Jayadeevaraj Urs

Representative of the Department

Sri K. Balasubramanyam, Commissioner for Revenue and Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Govenment.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary.
2. Sri M. Subba Rao, Under Secretary.

Clause 60 :

The Committee resumed consideration of this clause.

Many members expressed a view that the plantations should be subject to ceiling. Some of them stated that the extent of ceiling had to be considered after due deliberation. Sri B. Channabyre Gowda expressed a view that plantations should be exempted from the ceiling. He also urged that the orchards should be exempted from the ceiling.

The Committee held over the decision whether the plantations should be exempt from the provisions of sections 63 and 64.

Clause 61 :

The Committee adopted the clause without any change.

Clause 62 :

The Committee adopted the clause without any change.

Clause 63 :

The Committee decided that in item (iii) of the proposed section 107, the words " for a period not exceeding twenty years " may be deleted.

The Committee also decided that the tenants who got lands under the Bhoodan Yajna Programme should not be dis-possessed from the lands and that protection should be given to them. The Law Department was asked to make suitable provision in this regard.

The Committee adjourned at 12-00 noon to meet at 7-00 p.m. on Monday, the 19th February, 1973.

Ninteenth Sitting

The Committee met at 7 p.m. on Monday, the 19th February, 1973 at 'Kumara Krupa' Guest House.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda, (Chairman)
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs)
3. K. N. Veerappa Gowda
4. B. Subbayya Shetty
5. A. M. Belliappa
6. P. C. Shettar
7. K. B. Shivaiah
8. K. Prabhakar
9. D.B. Kalmankar
10. A. A. Desai
11. Kagodu Thimmappa
12. K. M. Rudrappa
13. B. V. Kakkilaya
14. H. Mare Gowda
15. S. Y. Patil
16. Viswanatha Reddy
17. A. M. Suryanarayana Gowda

Legislative Council

Sriyuths—

18. B. Channabyre Gowda
19. S. R. Bommai
20. M. C. Basappa
21. M. V. Venkatappa (Elected by L.A.)
22. D. Jayadevaraj Urs

Representatives of the Revenue Department

1. Sri K. Balasubramanyam, Commissioner for Revenue and Secretary to Government, Revenue Department.

2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary.
3. Sri B. Nagesh Rao, Under Secretary.

Secretariat

Sri Te. Hanumanthappa, Secretary.

Sri M. Subba Rao, Under Secretary.

Clause 64 :

The Committee deliberated at great length the provisions of section 108 of the principal Act which is proposed to be deleted through the amendment. The Committee took the following decisions :—

(1) If there were any tenants before the receiver took possession of the property, such tenants should be given protection, and

(2) Tenants created after taking over of the property by the receiver should not be given any

A view was expressed by members that the tenants who have been dispossessed should be restored to their lands irrespective of the fact whether it was a case under section 22 or otherwise. The Law Department felt that tenants who had been dispossessed by an order of the Court could not be restored and that it could not be said that a judgment was wrong. The Law Department was asked to further examine the matter.

The Committee adjourned at 9 p.m. to meet at 9 a.m. on Tuesday, the 20th Friday 1973.

Twentieth Sitting

The Committee met at 9-00 a.m. on Tuesday, the 20th February, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda, (Chairman)
2. D. K. Naikar, (Minister for Law anw Parliamentary Affairs).
3. K. N. Veerappa Gowda
4. B. Subbayya Shetty
5. A. M. Belliappa
6. P. C. Shettar
7. D. B. Kalmankar
8. K. B. Shivaiah
9. A. A. Desai
10. Kagodu Thimmappa
11. K. M. Rudrappa
12. B. V. Kakkilaya
13. H. Mare Gowda
14. S. Y. Patil
15. A. M. Suryanarayana Gowda

Legislative Council

Sriyuths—

15. B. Channabyre Gowda
16. S. R. Bommai
17. M. C. Basappa
18. M. V. Venkatappa (Elected by L.A.)
19. D. Jayadevaraj Urs

Representatives of the Revenue Department

1. Sri K. Balasubramanyam, Commissioner for Revenue and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

Clause 65 :

In the proposed section 109, for the word 'non-industrial' the word 'industrial' may be substituted.

The Committee decided that the exemption proposed to be granted under section 109 should be only in respect of the pro granted under section 109 should be only in respect of the provisions of the Act as may be specified in the Notification contemplated under the section.

Clause 66 :

The clause was adopted without any change.

Clause 67 :

This Clause was held-over.

The Chairman directed the Law Department to frame a suitable section embodying the duties of the Tahsildar.

Clause 68 :

The clause was adopted without any change.

Clause 69 :

The Committee decided that the power of review conferred by the proposed section 118-A should be exercised by the Divisional Commissioner both *sou moto* as well as on an application from any party.

Clauses : 70, 71, 72 and 73 :

The clauses were adopted without any change.

The Chairman directed the Secretariat to prepare a list of held over clauses and to circulate it among the members. The Law Department was asked to circulate the re-drafted clauses to the members.

The Committee adjourned at 11-00 a.m. to meet again at 9-00 a.m. on Thursday, the 22nd February 1973.

Twenty-first Sitting

The Committee met at 6-30 p.m. on Monday the 12th March, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs)
3. B. Subbayya Shetty

4. K. N. Veerappa Gowda
5. K. Prabhakar
6. A. A. Desai
7. Kagodu Thimmappa
8. K. B. Shivaiah
9. K. M. Rudrappa

Legislative Council

1. M. C. Basappa
2. M. V. Venkatappa

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee considered the Bill as redrafted by the Law Department in the light of the changes suggested by the committee. Regarding clause 3, the Committee decided that in future all leases should be prohibited except in the case of Military personnel.

The Committee adjourned at 8-30 p.m. to meet at 6-30 p.m. on 13th March, 1973.

Twenty-Second Sitting

The Committee met at 6-30 p.m. on Tuesday the 13th March, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs).
3. B. Subbayya Shetty
4. P. C. Shettar
5. K. N. Veerappa Gowda
6. D. B. Kalmankar
7. A. A. Desai
8. Kagodu Thimmappa
9. B. V. Kakkilaya
10. H. Mare Gowda
11. K. B. Shivaiah
12. K. M. Rudrappa

Legislative Council

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)
4. D. Jayadevaraj Urs.

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee resumed consideration of the Bill.

The Committee further considered Clause 4 (Amendment of Section 5 of the Act) and decided that a Soldier or a Seaman must be able to resume his land if he has created a lease 3 months before his joining the military service. The Law Department was asked to frame a suitable section.

The Committee approved the following Clauses :—

Clause 5 (Substitution of Section 8).
Clause 6 (Substitution of Section 9).
Clause 7 (Amendment of Section 10).
Clause 8 (Insertion of new Section 10A).
Clause 9 (Amendment of Section 11).
Clause 10 (Amendment of Section 13).
Clause 11 (Omission of Section 14).
Clause 12 (Substitution of new sub-section 15).
Clause 13 (Omission of Sections 16, 17 and 18).
Clause 14 (Amendment of Section 19).
Clause 15 (Substitution of new Section for Section 20).
Clause 16 (Substitution of Section 21).
Clause 17 (Amendment of Section 22).
Clause 18 (Amendment of Section 23).
Clause 19 (Substitution of new Section 24) and
Clause 20 (Substitution of new Section to Section 25).

The Committee decided that it was necessary to make a specific provision prohibiting the surrender by tenant to the land-lord.

The Committee decided that the provision in the Kerala Act may be incorporated suitably. Clauses 21, 22, 23, 24, 25 and 26 were adopted.

A suggestion was made by some members that a provision was necessary amending section 38 of the Act which related to the dwelling houses of agricultural labourers and people who were following allied pursuits.

The Committee adjourned at 8-45 p.m. to meet at 6-30 p.m. on 14th March 1973.

Twenty-third Sitting

The Committee met at 6-30 p.m. on Wednesday the 14th March, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. D. K. Naikar, (Minister for Law and Parliamentary Affairs).
2. B. Subbayya Shetty
3. A. M. Suryanarayana Gowda
4. A. M. Belliappa
5. P. C. Shettar
6. K. N. Veerappa Gowda
7. D. B. Kalmankar
8. A. A. Desai
9. Kagodu Thimmappa
10. B. V. Kakkilaya
11. H. Mare Gowda
12. K. B. Shivaiah
13. K. M. Rudrappa
14. Viswanatha Reddy.

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)
4. D. Jayadevaraj Urs.

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Minister for Law was elected Chairman of the Committee inter absence of Minister for Revenue. March, 1973 in the Committee Room.

The Committee resumed consideration of the provisions of Section 38. A suggestion was made by some members that provision should be made to give more protection to agricultural labourers, artisans, etc.

The Committee decided that the existing provision may continue. The Law Department was however asked to re-draft the clause suitably. The Committee considered the provisions of Section 39 of the Act. A suggestion was made that a provision should be made stating that transactions which were contrary to the provisions of the Act should be declared as null and void and that all such lands should be treated as surplus lands and taken over by the Government. The Chairman stated that the matter would be examined.

The Committee adjourned at 9-05 p.m. to meet at 9-30 a.m on 15th March, 1973.

Twenty-fourth Sitting

The Committee met at 9-30 a.m. on Thursday the 15th March, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths :—

1. D. K. Naikar, (Minister for Law and Parliamentary Affairs.)
2. P. C. Shettar

3. K. N. Veerappa Gowda
4. A. A. Desai
5. Kagodu Thimmappa
6. K. M. Rudrappa
7. Viswanatha Reddy
8. S. Y. Patil.

Legislative Council

Sriyuths :—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)
4. S. R. Bommai.

Representatives of the Department

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secreatry to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Minister for Law was elected Chairman of the Committee in the absence of Minister for Revenue.

The Committee considered and approved clauses 27, 28, 29, 30, 31, as re-drafted.

Clause 32 (Amendment to Section 47) :

A suggestion was made by some members that amounts spent for the improvement of land which is of a permanent nature should also be taken into consideration while fixing the quantum of amount payable to the landlord. A plea was made to include wells also in this sub-section.

The Committee were of the opinion that the burden of proof for the structures constructed on the land should be on the landlord. The Law Department was asked to suitably modify the clause.

The Committee adjourned at 12-00 noon to meet at 9-00 a.m. on 16th March, 1973.

Twenty-Fifth Sitting

The Committee met at 9 a.m. on Friday the 16th March, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths :—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs.)
3. B. Subbayya Shetty
4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. P. C. Shettar
7. K. Prabhakar
8. D. B. Kalmankar
9. A. A. Desai
10. Kagodu Thimmappa
11. B. V. Kakkilaya
12. H. Mare Gowda
13. K. B. Shivaiah
14. K. M. Rudrappa
15. S. Y. Patil.

Legislative Council

Sriyuths :—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)
4. S. R. Bommai
5. D. Jayadevaraj Urs.

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee considered the re-drafted amendment to Section 48 of the Act. A decision on this clause was postponed by the Committee to the next meeting.

The Committee considered and approved Clauses 34, 35, 36 and 37.

Clause 38 (Amendment of Section 55)

The Committee decided that in sub-section 3 for the words 'on the ground that he for sufficient reasons' the words 'on the ground that on account of total or partial failure of crops owing to drought, flood, pests or for any other sufficient reasons he' shall be substituted.

The Committee approved Clauses 39, 40, 41 and 42.

Clause 43 (Amendment of Section 61)

The Committee decided that the clause as amended may be recast suitably by retaining the time limit of 6 years as in the principal Act.

Clause 44 (Amendment of Section 62)

The Committee decided to retain the words '6 years' as in the original Act.

The Committee adjourned at 12 noon to meet at 6-30 p.m. on Thursday, the 22nd March 1973.

Twenty-sixth Sitting

The Committee met at 6-30 p.m. on Thursday the 22nd March, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman).
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs).
3. B. Subbayya Shetty
4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. P. C. Shettar
7. K. N. Veerappa Gowda
8. K. Prabhakar
9. D. B. Kalmankar
10. A. A. Desai
11. Kagodu Thimmappa
12. B. V. Kakkilaya
13. K. M. Rudrappa

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)

Representatives of the Departmnet

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee resumed consideration of the Bill.

Clause 45

The clause was adopted.

Clause 46

(Amendment of Section 64)

(Insertion of New Section 65A)

The Commissioner for Revenue suggested that the following explanation may be added at the end of the proposed Section 65A.

"The land may be deemed to be converted as soon as the notification is issued. The suggestion was agreed to by the Committee.

Clause 47

(Amendment of Section 66)

The committee held over consideration of this clause.

Clause 48

(Insertion of new Section 66A)

The Committee adopted the clause.

Clause 48

(Amendment of Section 67)

The committee decided to substitute the words "in the prescribed manner shall" for the words "as he deems fit in the proviso to Sub-section 1 of Section 67.

The clause was adopted with this amendment.

Clauses 50 and 51

(Amendment of Section 69)
(Amendment of Section 70)

The clauses were adopted.

Clause 52

(Substitution of new section for Section 72)

In Sub-section 4, the Committee decided to include "wells" also.

Clauses 53 and 54

(Amendment of Section 73)
(Amendment of Section 74)

The clauses were adopted.

Clause 55

(Substitution of new section for Section 77)

The Committee decided that the lands be granted by the prescribed Officer to the following in the order of preference indicated below :

(i) Displaced tenants having no land ;
(ii) Landless agricultural labourers ;
(iii) Other Landless persons whose gross annual income does not exceed Rs. 2,000 ;
(iv) Defence personnel whose pension is less than Rs. 2,000.

It was also decided that in the categories mentioned preference should be given to local people except in the case of the defence personnel.

Clause 56

(Amendment of Section 78)

The committee decided that the value of wells, structures and fruit bearing trees should be included in this section.

The committee adjourned at 8-30 p.m. to meet at 6-30 p.m. on 23rd March 1973.

Twenty-Seventh Sitting

The Committee met at 6-30 p.m. on Friday the 23rd March, 1973 in the Committe Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman).
2. D. K. Naikar (Minister for Law and Parliamentary Affairs).
3. B. Subbayya Shetty
4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. P. C. Shettar
7. K. N. Veerappa Gowda
8. K. Prabhakar
9. D. B. Kalmankar
10. A. A. Desai
11. Kagodu Thimmappa
12. B. V. Kakkilaya
13. H. Mare Gowda
14. K. B. Shivaiah
15. K. M. Rudrappa

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)
4. S. R. Bommai
5. D. Jayadevaraja Urs

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs.

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

Clause 57

(Insertion of new Sections 79A and 79B)

Some members suggested that for the word "gross income" the words "net income may be substituted. Some others suggested that "taxable income" may be substituted.

The committee decided that for the word "gross" the words "whatever income is assessable according to income tax law" should be substituted.

The committee also decided that sub-section 2 of the proposed Section 79A may be deleted. The committee further decided that lands acquired by gift or bequest should be excluded from this section.

New Section 79-B

The committee were of the opinion that it should be clarified that the Religious Charitable and Educational Institution will not hold any land. The committee decided that the institutions should be made illustrative including co-operative societies within its scope.

New Section 79-C

The committee adopted the proposed new section.

Clause 58

(Amendment of Section 80)

The committee adopted the clause.

Clause 59 (Substitution of new section for Section 81)

The committee decided to omit item (d).

Clause 60 (Amendment of Section 81-A)

Clause 61 (Omission of Section 103)

The clauses were adopted.

Clause 62 (Amendment of Section 104)

The committee held over consideration of this clause.

Clause 63 (Omission of Section 105)

The committee adopted this clause.

Clause 64 (Amendment of Section 106)

A suggestion was made by some members that in the case of institutions running hostels, schools, etc., proper compensation should be given.

The consideration of the clause was inconclusive when the committee adjourned at 8-30 p t at 6-30 p.m. on Monday, the 26th March 1973.

Twenty-Eighth Sitting

The Committee met at 6-30 p.m. on Monday the 26th March, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman).
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs).
3. B. Subbayya Shetty
4. A. M. Suryanarayana Gowda
5. P. C. Shettar
6. K. N. Veerappa Gowda

7. K. Prabhakar
8. D. B. Kalmankar
9. A. A. Desai
10. Kagodu Thimmappa
11. B. V. Kakkilaya
12. H. Mare Gowda
13. K. B. Shivaiah
14. K. M. Rudrappa

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)
4. D. Jayadevaraja Urs

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs.

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The committee resumed consideration of clause 64 (Amendment of Section 106). Some members expressed the view that preferential treatment should be given to religious and charitable institutions like mutts and hostels in respect of payment of compensation. They contended that these institutions were doing

humanitarian and charitable work and therefore they should be treated on a separate footing. This view was opposed by several other members on the ground that such a step would amount to discrimination. The committee approved the clause as redrafted without any change.

Clause 65 (Substitution of new section for Section 107)

The committee decided to omit the word " permanent " from the last line of the proviso.

Clause 66 (Omission of Section 108) :

The committee decided that Section 108 of the Act which is proposed to be deleted should be retained. The committee also decided that the definition of the term " tenant " should be modified as not to include a tenant under a Receiver leased after 2nd October 1965.

Clause 67 (Substitution of new Section 109) :

The clause was adopted.

Clause 68 (Amendment of Section 110)

Consideration of this clause was held over.

Clause 71 (Substitution of new Section for 118-A) :

The clause was adopted.

Clause 72 (Insertion of new Section 121-A)

The clause was adopted.

The committee considered the provisions of Section 38. Some members suggested the redrafting of the section providing for more rights to the agricultural labourers. Some others disagreed with this view.

The committee decided to keep the provision as it was.

The committee adjourned at 9-00 p.m. to meet at 6-30 p.m. on 27th March 1973.

Twenty-ninth Sitting

The Committee met at 6-30 p.m. on Tuesday the 27th March, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman).
2. D. K. Naikar (Minister for Law and Parliamentary Affairs).
3. P. C. Shettar
4. K. N. Veerappa Gowda
5. K. Prabhakar
6. D. B. Kalmankar
7. A. A. Desai
8. Kagodu Thimmappa
9. B. V. Kakkilaya
10. H. Mare Gowda
11. K. B. Shivaiah
12. K. M. Rudrappa

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)
4. S. R. Bommai
5. D. Jayadevaraja Urs

Representatives of the Department

Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.

The Chairman asked the members whether they favoured the constitution of Tribunals for purposes of the Act. Many members felt that injustice was being done by the officers in regard to distribution of lands, etc., and therefore tribunals were to be constituted in each Taluk with non-official members. Some members opposed the principle of constituting tribunals with non-officials on the ground that the politicians favoured their own party men. It was pleaded by them that the judicial powers should be given only to the officers. A suggestion was made by some members that the tribunals should be formed with M.L.As. and M.L.Cs. and also with local officers.

The Committee decided that tribunals may be constituted.

The Committee adjourned at 9 p.m. to meet at 6-30 p.m. on 28th March 1973.

Te. HANUMANTHAPPA,
Secretary.

Thirtieth Sitting

The Committee met at 6-30 p.m. on Wednesday the 28th March, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar (Minister for Law and Parliamentary Affairs).
3. B. Subbayya Shetty
4. A. M. Suryanarayana Gowda
5. K. N. Veerappa Gowda
6. K. Prabhakar
7. D. B. Kalmankar
8. A. A. Desai

9. Kagodu Thimmappa
10. B. V. Kakkilaya
11. K. B. Shivaiah
12. K. M. Rudrappa
13. Viswanatha Reddy
14. S. Y. Patil

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)
4. S. R. Bommai
5. D. Jayadevaraja Urs

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

Sri Te. Hanumanthappa, Secretary, Mysore Legislature.

The committee resumed consideration of the composition of the Tribunal. The committee decided that tribunal should consist of five members, *viz.*, the Assistant Commissioner who will be the Chairman, at least one Legislator and three others out of whom at least one will be a Harijan. The Tahsildar will be the Secretary of the Tribunal.

The committee considered the question as to whether plantations should be given exemptions. Some members were of the

view that the present plantations may be exempted while others opposed the grant of exemption. The committee decided to exempt the present plantations with 11 members voting for and five against.

The committee then considered whether exemption should be granted to future acquisitions of plantations. The committee decided that there should be ceiling for future acquisitions. Some members suggested that the ceiling on future acquisitions may be 100 acres, some others suggested that the ceiling may be 25 acres, yet other members suggested that the ceiling may be 50 and 54 acres. The consideration of this matter was inconclusive when the committee adjourned at 8-30 p.m. to meet at 6-30 p.m. on 29th March 1973.

Thirty-first Sitting

The Committee met at 6-30 p.m. on Thursday the 29th March. 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs).
3. B. Subbayya Shetty
4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. P. C. Shettar
7. K. N. Veerappa Gowda
8. K. Prabhakar
9. D. B. Kalmankar
10. A. A. Desai
11. Kagodu Thimmappa
12. B. V. Kakkilaya

13. H. Mare Gowda
14. K. B. Shivaiah
15. K. M. Rudrappa
16. Viswanatha Reddy
17. S. Y. Patil

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa(Elected by L.A.)
4. S. R. Bommai

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee resumed consideration of the question of the extent of ceiling for future acquisitions of plantations. The committee decided that 100 acres may be the ceiling limit for future acquisitions of plantations.

The committee adjourned at 9-00 p.m. to meet at 6-30 p.m. on 30th March 1973.

Thirty-second Sitting

The Committee met at 6-30 p.m. on Friday the 30th March 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. B. Subbayya Shetty
3. A. M. Suryanarayana Gowda
4. A. M. Belliappa
5. P. C. Shettar
6. K. N. Veerappa Gowda
7. K. Prabhakar
8. D. B. Kalmankar
9. Kagodu Thimmappa
10. B. V. Kakkilaya
11. K. B. Shivaiah
12. K. M. Rudrappa
13. Viswanatha Reddy
14. S. Y. Patil

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa(Elected by L.A.)
4. D. Jayadevaraja Urs

Representatives of the Department

Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs.

1. Sri N D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Revenue Secretary explained to the Members the salient features of the proposed classification of land for consideration by the Committee.

The Meeting adjourned at 9 p.m. to meet again at 6-30 p.m. on Tuesday, the 10th April 1973.

Thirty-third Sitting

The Committee met at 9 a.m. on Wednesday, 11th April, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. B. Subbayya Shetty
3. A. M. Suryanarayana Gowda
4. A. M. Belliappa
5. P. C. Shettar
6. K. N. Veerappa Gowda
7. D. B. Kalmankar
8. A. A. Desai
9. Kagodu Thimmappa
10. B. V. Kakkilaya
11. H. Mare Gowda
12. K. B. Shivaiah
13. K. M. Rudrappa
14. Viswanatha Reddy

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)
4. S. R. Bommai
5. D. Jayadevaraja Urs

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs.

1. Sri N D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee considered a note prepared by the Revenue Department on the Classification of lands for the purposes of Ceiling. A suggestion was made by some of the members that weightage should be given to drought affected areas. The Committee decided that weightage may be given to the taluks which were stated to be drought affected in the report of the Irrigation Committee.

The Committee adjourned at 12 noon to meeet again at 9 a.m. on 12th April, 1973.

Thirty-fourth Sitting

The Committee met at 9 a.m. on Thursday the 12th April, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. B. Subbayya Shetty
3. A. M. Suryanarayana Gowda
4. A. M. Belliappa
5. P. C. Shettar

6. K. N. Veerappa Gowda
7. K. Prabhakar
8. D. B. Kalmankar
9. A. A. Desai
10. Kagodu Thimmappa
11. B.V. Kakkilaya
12. H. Mare Gowda
13. K. B. Shivaiah
14. K. M. Rudrappa
15. Viswanatha Reddy

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)
4. S. R. Bommai
5. D. Jayadevaraja Urs

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and... Parliamentary Affairs.

1. Sri N D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee resumed consideration of the ceiling.

The Committee decided that in respect of dry lands the ceiling may be 50 acres, if the land revenue assessment for such lands is more than one rupee and 54 acres if the land revenue assessment of such lands is less than one rupee.

The Committee also considered whether any weightage be given in respect of drought affected areas. After some consideration, the Committee decided that weightage may be given. 11 Members voted in favour of this suggestion and 6 against. In respect of the irrigated lands, the Committee also decided as follows :—

(a) Lands having facilities for irrigation from Government sources capable of supplying water for growing two crops of paddy in a year or one crop of sugarcane—10 Acres, if the soil classification value is about 8 annas and 12 acres if the soil classification value is below 8 annas.

(b) Lands having facilities for irrigation from Government sources where the water supply is adequate for only one crop of paddy a year—15 acres if the soil classification value is about 8 annas and 18 acres if the soil classification value is below 8 annas.

(c) Lands irrigated from any Government sources of irrigation other than.

(i) Clause A and B.

(ii) Lands on which paddy crop can be raised with the help of rain fed water.

(iii) Lands irrigated by lifting water from a river or canal where the pumping facilities are provided and maintained by the land owner—20 acres if the soil classification value is about 8 annas and 25 acres if the soil classification is below 8 annas.

The Committee adjourned at 11-30 a.m. to meet at 10-00 a.m. on Friday, the 13th April, 1973.

Thirty-fifth Sitting

The Committee met at 10-00 a.m. on Friday the 13th April, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. B. Subbayya Shetty
3. A. M. Suryanarayana Gowda
4. A. M. Belliappa
5. P. C. Shettar
6. K. N. Veerappa Gowda
7. K. Prabhakar
8. A. A. Desai
9. Kagodu Thimmappa
10. B. V. Kakkilaya
11. K. B. Shivaiah
12. K. M. Rudrappa
13. Viswantha Reddy

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatppa (Elected by L.A.)
4. S. R. Bommai.

Representatives of the Department

1. Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.
2. Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee further considered the question of weightage to be given in respect of the drought affected areas. The Committee decided that in addition to the 88 taluks suggested by the Irrigation Commission, taluks which have been declared to be drought affected in 1973 may also be added. The Committee further considered the celling inrespect of irrigated lands and decided that the criteria for determining the ceiling was the fertility of the soil and availability of water for classification.

Clause 40

In clause 40 Section 63 of the Bill, the Committee decided to susbstitute the words " 24th January 1971 " for the words " 18th November 1961 ".

The Committee adjourned at 12-00 Noon to meet again at 3-30 p.m.

The Committee decided to delete item ' B ' of Sub-section 5 of Section 63.

The Committee decided that the ceiling limit for a sugar factory for purposes of research or seed farm or both may be 50 acres instead of 100 units. The Committee adopted the other Sub-sections of Section 63 without any change.

The Committee adjourned at 6-30 p.m. to meet at 9-00 a.m. on Sunday, the 22nd April, 1973.

Te. Hanumanthappa,...
Secretary.

Thirty- sixth Sitting

The Committee met at 9-00 a.m. on Sunday the 22nd April, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs).
3. B. Subbayya Shetty
4. A. M. Suryanarayana Gowda
5. A. M. Belliappa
6. P. C. Shettar
7. K. N. Veerappa Gowda
8. A. A. Desai
9. Kagodu Thimmappa
10. B. V. Kakkilaya
11. S. Y. Patil

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. V. Venkatappa (Elected by L.A.)
3. S. R. Bommai.

Representative of the Department

Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.

Representative of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government,.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee considered the Bill as redrafted by the Law Department. In regard to clause 3, the Committee approved the Clauses 1 and 2.

The Committee decided that the definition of the family may be extended to cover all alternative cases.

Clauses 4 to 11

The Committee approved without any change.

The Committee decided that the proviso regarding additional amount may be altered with reference to the new schedule.

In Clause 12 in the proposed section, the Committee suggested that the words "who has created or continued a lease in Section 5" may be added in line 2.

The Committee decided that in sub-section 6 after the words in line 1, the words "the Tahsildar on application by the tenant or otherwise is satisfied" may be inserted, and for the word "the Tahsildar" the word "he" may be substituted in line 2.

Clauses 13 to 29

The Committee approved the clauses without any change.

Clause 30

The Committee decided that the application for recovery of rent should be made to the Tahsildar within one year from the date rent fell due. The Clause was desired to be redrafted accordingly.

Clause 31

The Committee decided to delete the words "plantations or" in sub-section 1 of the proposed Section 44.

The Committee adjourned at 1-00 p.m. to meet at 9-00 a.m. on Monday the 23rd April, 1973.

Thirty-Seventh Sitting

The Committee met at 9-00 a.m. on Monday the 23rd April, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda (Chairman)
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs)
3. A. M. Suryanarayana Gowda
4. A. M. Belliappa
5. P. C. Shettar
6. Kagodu Thimmappa
7. B. V. Kakkilaya
8. H. Mare Gowda
9. K. B. Shivaiah
10. K. M. Rudrappa
11. S. Y. Patil

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. V. Venkatappa (Elected by L.A.)
3. S. R. Bommai
4. D. Jayadevaraja Urs

Representatives of the Department

Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee resumed consideration of the Bill as re-drafted.

The Committee suggested that in sub-section 2(B) of the proposed Section 44, for the word " payable ", the words " becoming due " may be substituted.

The Committee also suggested that in sub-section 1 of the proposed Section 45 the words " where a tenant has lawfully sub-let such " may be inserted at the end of the word " or " and the words of the landlord " may be omitted.

In sub-section 2, the Committee decided to omit item 4. The Committee further suggested that a provision may be made regarding sub-letting on leases by a joint family.

Clause 31

The Committee decided that if a tenant in respect of land is a permanent tenant, the amount payable shall be six times the difference between the amount of rent and the rent value for the year 1971-72 in respect of such land. The Committee also decided that where there are wells and other structors of a permanent nature on the land constructed by the landlord, then the value thereof calculated in the prescribed manner shall be payable. Where there are fruit bearing trees raised by the landlord on any land whether dry or wet, then the value thereof calculated in the prescribed manner shall also be payable.

The Committee adjourned at 11-30 a.m. to meet at 9-00 a.m. on Tuesday, the 24th April, 1973.

Thirty-Eighth Sitting

The Committee met at 9-00 a.m. Thursday the 24th April, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. D. K. Naikar, (Minister for Law and Parliamentary Affairs).
2. A. M. Suryanarayana Gowda

3. A. M. Belliappa
4. P. C. Shettar
5. K. N. Veerappa Gowda
6. K. Prabhakar
7. D. B. Kalmankar
8. A. A. Desai
9. Kagodu Thimmappa
10. B. V. Kakkilaya
11. H. Mare Gowda
12. K. B. Shivaiah
13. K. M. Rudrappa
14. S. Y. Patil

Legislative Council

Sriyuths—

15. B. M. Channabyre Gowda
16. M. V. Venkatappa (Elected by L. A.)
17. S. R. Bommai
18. D. Jayadevaraja Urs

Representative of the Department

Sri K. Balasubramanyam, Revenuee Commissioner and Secretary to Government Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs.

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Minister for Law and Parliamentary Affairs was elected Chairman of the Committee in the absence of the Minister of Revenue.

The Committee resumed consideration of Clause 31 (Amendment of Section 47 as re-drafted).

The Committee adopted the following Amendment, to Sub-section 3 of the amended Section 47.

"Where there are wells or other structures of a permanent nature on the land, constructed by the landlord, then the value thereof calculated in the prescribed manner shall also be payable.

Where there are fruit bearing trees raised by the landlord on any major portion of land classed as wet or dry, the amount payable shall be determined on the basis of Bagayet assessment which could have been levied on such land having regard to the nature of the fruit bearing trees raised therein by the landlord."

Clause 32—(Substitution of new Sections 48, 48A and 48B).

In Sub-section 3 of the proposed Section 48 regarding constitution of Tribunals, the Committee decided to omit the words "and may at any time abolish it". A suggestion was made that the life of the Tribunal should be fixed as one year. This was not, however, agreed to by the Committee.

The Committee decided that a proviso may be made stating that the Assistant Commissioner of the Sub-Division of the concerned area or the Assistant Commissioner specially appointed for this purpose will be the Chairman of the Tribunal and that the Tahsildar shall act as Secretary of the Tribunal.

Section 48A.

Considering the proposed Section 48A, the Committee decided that a provision should be made that the lawers should be precluded from appearing before the Tribunal. The Committee also decided that in sub-section (1), a provision may be made that the Tribunal may condone the delay for sufficient reasons to the extent of six months, if the application referred to in this section is not filed within six months from the date of commencement of the Amendment Act.

The Committee adjourned at 11-15 a.m. to meet at 9-00 a.m. on Wednesday, the 25th April, 1973.

Thirty-ninth Sitting

The Committee met at 9 a.m. on Wednesday the 25th April, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda, (Chairman)
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs).
3. A. M. Suryanarayana Gowda
4. A. M. Belliappa
5. P. C. Shettar
6. K. N. Veerappa Gowda
7. K. Prabhakar
8. D. B. Kalmankar
9. Kagodu Thimmappa
10. B. V. Kakkilaya
11. H. Mare Gowda
12. K. B. Shivaiah
13. K. M. Rudrappa
14. S. Y. Patil

Legislative Council

Sriyuths—

1. B. Channabyre Gowda
2. M. V. Venkatappa (Elected by L.A.)
3. S. R. Bommai
4. D. Jayadevaraja Urs

Representative of the Department

Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs.

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committe resumed consideration of the bill as redrafted.

Section 48A

Some members suggested that an appeal should be provided from the orders of the Tribunal. The Committee decided that there should be no appeal for the orders of the Tribunal.

The Committee approved Section 48A.

The Committee approved the following Clauses without any change :

Clause 34 (Amendment of Section 50).
Clause 35 (Amendment of Section 51).
Clause 36 (Amendment of Section 52).
Clause 37 (Amendment of Sections 53 and 54).
Clause 38 (Amendment of Section 55).
Clause 39 (Amendment of Section 57).
Clause 40 (Substitution of New Section for Section 58).
Clause 41 (Substitution of New Section for Section 59).
Clause 42 (Amendment of Section 60).
Clause 43 (Amendment of Section 61). The Committee decided to delete item 1 of the Amendment proposed.

Clause 44 (Amendment of Section 62)

The Committee approved Clause 44 (Amendment of Section 62).

Clause 45 (Substitution of New Section for Section 63).

Sub-section (7).—In sub-section 7 of the proposed section 63, the Committee decided that a sugar factory may hold land for purposes of research or seed farm to extent of 50 units instead of 10 units as in the Clause as re-drafted.

A suggestion was made by some members that provision should be made for grazing lands in this Section. The Committee did not agree.

Sub-section (8).—A suggestion was made by some members that there should not be any restriction for a person owning plantations to hold other agricultural lands, since there was no ceiling on the existing plantations. This was not agreed to by the Committee. The Committee approved the sub-section 8 as re-drafted.

Sub-section (9).—A suggestion was made that provision should be made to indicate that transfers of lands made prior to 24th January 1971 should be governed under the old Act. The Law Department was asked to examine and make a suitable provision.

The Committee adjourned at 11-30 a.m. to meet at 9-00 a.m. on Thursday the 26th April, 1973.

Fortieth Sitting

The Committee met at 9-00 a.m. on Thursday the 26th April, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hutchmasthy Gowda, (Chairman)
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs).
3. A. M. Suryanarayana Gowda
4. P. C. Shettar
5. K. N. Veerappa Gowda
6. D. B. Kalmankar
7. A. A. Desai
8. Kagodu Thimmappa
9. B. V. Kakkilaya
10. H. Mare Gowda
11. K. M. Rudrappa
12. S. V. Patil

Legislative Council

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)
4. S. R. Bommai
5. D. Jayadevaraja Urs

Representative of the Department

Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs.

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee resumed consideration of the Bill.

Clause 47 to 56

The Committee approveed the Clauses without any change.

Clause 57

The Committee decided to add the words " plus the amount if any " determined under sub-section 4 of section 72 at the end of sub-section 2 of the proposed section 78.

Clause 58

The Committee decided to omit sub-section 2 of section 79-A as redrafted.

Clause 79-B

The Committee decided to insert item 4 " co-operative society " in sub-section 1 of section 79-B.

Clause 79-C

The Committee approved this section.

The Committee adjourned at 11-00 a.m. to meet at 9-00 a.m. on Friday the 27th April, 1973.

Forty-first Sitting

The Committee met at 9-00 a.m. on Friday the 27th April, 1973 in the Committee Room.

Present

Legislative Assembly

Sriyuths—

1. N. Hulchmasthy Gowda, (Chairman)
2. D. K. Naikar, (Minister for Law and Parliamentary
3. A. M. Suryanarayana Gowda
4. P. C. Shettar
5. K. N. Veerappa Gowda
6. K. Prabhakar
7. D. B. Kalmankar
8. A. A. Desai
9. B. V. Kakkilaya
10. H. Mare Gowda
11. K. B. Shivaiah
12. K. M. Rudrappa
13. S. Y. Patil

Legislative Council

1. B. Channabyre Gowda
2. M. C. Basappa
3. M. V. Venkatappa (Elected by L.A.)
4. S. R. Bommai
5. D. Jayadevaraja Urs

Representative of the Department

Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs.

1. Sri N. D. Venkatesh, Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee resumed consideration of the Bill.

The Committee approved Clauses 59, 60, 61, 61-A and 62 without any change.

Clause-63

Some members were of the opinion that persons holding plantations should not be given exemption, as had been decided by the committee in earlier cases that no person other than a natural person should own any land. Some members were of the view that existing companies holding plantations may be given exemption. The Committee decided to retain the exemption as per the revised draft, 8 members voting for and 7 members voting against.

Clause 64

The Committee approved the clause without any change.

It was suggested by some members that in the case of educational and charitable institutions, if the land is being personally cultivated the amount given should be more than what is provided, and some members were of the view that there should not be any distinction between a religious institution and an educational institution. The Committee decided to adopt the clause as redrafted.

Clause 66

The Committee decided that land belonging to a Coffee Board for research purposes should be exempted from the provisions of the Act.

A question was raised regarding granting exemption for grazing of lands. The Committee did not agree to this suggestion.

Clauses 67 to 69

The clauses approved without any change.

Clause 70

The Committee decided that the duties of the Tahsildar the duties of the Court and the duties of the Tribunal may be enumerated seperately.

The Committee adjourned at 11-00 a.m. and met again at 4-00 p.m.

Clause 71

The Committee decided to omit item B.

Clause 72 to 79

The Committee approved the clauses without any change.

Clause 80

The Committee decided to omit this clause as well as section 131 of the principal Act.

The Committee approved the Clauses without any change.

Clause 81

The Committee approved the clauses without any change.

Amendment of section 135

The Committee decided that sub-section 2 should be amended by substituting the word "Tribunal" for the word "Court", so that the reference is to the Tribunal in this Section.

Clause 82

The Committee decided that there should not be any control of the State Government over the Tribunal. The Committee therefore decided to delete this Clause.

Clauses 83 and 84

The Committee approved the Clauses without any change.

Clause 85

While considering the schedule, some members were of the view that it was not correct to list out 97 taluks in the State as drought affected, whereby they would be entitled to have a higher ceiling as this would defeat the very purpose of the legislation. Some members were of the opinion that since a decision had already been taken in this matter, this should not be re-opened. The Committee approved the Schedule with the change that the words "from a Government source" may be inserted in the note below clause (e) after the word "irrigation".

The Committee approved Clauses 86 and 87 without any change.

The Committee adjourned at 6-30 p.m. to meeet at 2-30 p.m. on Saturday, the 28th April, 1973 to consider the Draft Report of the Committee.

Forty-second Sitting

The Committee met at 2-30 p.m. on the 28th April, 1973 in the Committee Room (Room No. 118) of the Legislature Secretariat, Vidhana Soudha, Bangalore.

Present

Legislative Council

Sriyuths—

1. N. Hutchmasthy Gowda, (Chairman)
2. D. K. Naikar, (Minister for Law and Parliamentary Affairs.)
3. A. M. Suryanarayana Gowda
4. P. C. Shettar
5. K. N. Veerappa Gowda
6. K. Prabhakar
7. D. B. Kalmankar

8. A. A. Desai
9. Kagodu Thimmappa
10. B. V. Kakkilaya
11. K. M. Rudrappa
12. S. Y. Patil

Legislative Council

Sriyuths–

13. B. Channabyre Gowda
14. M. C. Basappa
15. M. V. Venkatappa
16. S. R. Bommai
17. D. Jayadevaraja Urs

Representative of the Department

Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee considered the draft report and desired to make the following changes in the report.

(i) In respect of Clause 32 the following words may be substituted for the words " anual income ", " difference between rent and land revenue ".

(ii) In clause 33 at the end of para-3, the following words may be added.

" and that Legal Practioners should not be permitted to appear before the Tribunal ".

(iii) In clause 46 at the end of the para, for the words and that" the words, ' or a ' may be substituted and the word ' that ' may be inserted after the word ' gift '.

(iv) In clause 67, para ,(3), the word ' permanent ' may be omitted and after the word ' tenants ', the words who were in possession of such lands prior to giving them to the Bhoodan Yagna Board may be added.

(v) After para (3) the Committeee desired that a para may be added indicating that the lands held by the Coffee Board for research and propaganda are also exempted from the provisions of the Act.

(vi) In the Schedule, Clause (e), item (3), Note (1) for the word " receiving Irrigation ", the words ' having facilities for irrigation ' may be substituted. In the note below Clause (e) the Committee desired that an item may be inserted to indicate that lands growing plantations crops shall be included under clause (e)

(vii) The Committee desired certain other verbal corrections to be made in the report.

The Committee fixed at 5-00 p.m. on Monday the 30th April, 1973 as the last hour and date for receipt of minutes of dissent, if any from members.

The Committee adjourned at 4-30 p.m. to meet at 4-00 p.m. on Wednesday the 2nd May, ,1973 to further consider and approve the report.

Forty-third Sitting

The Committee met at 4-00 p.m. on Wednesday the 2nd May, 1973 in the Committee Room.

Present

Legislative Asembly

Sriyuths—

1. N. Hutchmasthy Gowda, (Chairman)
2. D. K. Naikar, Minister for Law and Parliamentary Affairs.

3. K. N. Veerappa Gowda
4. A. M. Belliappa
5. P. C. Shettar
6. D. B. Kalmankar
7. A.A. Desai
8. Kakodu Thimmappa
9. K. M. Rudrappa
10. B. V. Kakkilaya
11. H. Mare Gowda
12. S. Y. Patil
13. A. M. Suryanarayana Gowda
14. K. Prabhakar

Legislative Council

Sriyuths—

15. B. Channabyre Gowda
16. S. R. Bommai
17. M. C. Basappa
18. D. Jayadevaraja Urs

Representative of the Revenue Department

Sri K. Balasubramanyam, Commissioner for Revenue and Secretary to Government Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh Secretary to Government.
2. Sri M. L. Ramaswamy, Joint Secretary to Government.
3. Sri B. Nagesh Rao, Under Secretary to Government.

Secretariat

1. Sri Te. Hanumanthappa
2. Sri M. Subba Rao
3. Sri C. S. Sreedharamurthy, Under Secretary, Mysore Legislature.

The Committee considered and approved the Draft Report and authorised the Chairman to present the Report in the Legislative Assembly on 3rd May, 1973.

The members of the Committee thanked the Chairman and Officers. The Chairman thanked the members and Officers for their co-operation.

The Committee adjourned.

Te. HANUMANTHAPPA
Secretary

AS REPORTED BY THE JOINT SELECT COMMITTEE

(Words underlined or side lined indicate the amendments suggested by the Committee; omissions are indicated by asteriks).

THE MYSORE LAND REFORMS (AMENDMENT) BILL, 1973.

A Bill further to amend the Mysore Land Reforms Act, 1961.

Whereas it is expedient further to amend the Mysore Land Reforms Act, 1961 (Mysore Act 10 of 1962) for the purpose hereinafter appearing ;

Be it enacted by the Mysore State Legislature in the Twenty-fourth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Land Reforms (Amendment) Act, 1973.

(2) It shall come into force at once.

2. Declaration.—In pursuance of Article 31C of the Constitution of India, it is hereby declared that the provisions of this Act are enacted for giving effect to the policy of the State towards securing the principles specified in clause (b) and clause (c) of Article 39 of the Constitution.

3. Amendment of section 2.—In section 2 of the Mysore Land Reforms Act. 1961 (Mysore Act 10 of 1962) hereinafter referred to as the principal Act),—